

JIM WEBB  
VIRGINIA

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

**United States Senate**  
WASHINGTON, DC 20510-4605

October 9, 2009

09-001-5701

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4024

The Honorable Inez Tenenbaum  
Chairman  
Consumer Product Safety Commission  
4330 East-West Highway  
Bethesda, MD 20814

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Chairman Tenenbaum and Administrator Jackson:

I write to urge that the tests and evaluations concerning Chinese-imported drywall that are currently underway by the Consumer Product Safety Commission and the Environmental Protection Agency be completed without further delay. Every day that the results of these tests are delayed means more families pushed into bankruptcy and financial ruin.

I have heard directly from a number of constituents about the extreme emotional, physical, and financial hardship they continue to face as they struggle to maintain payments on houses that have been rendered uninhabitable, while also paying for a place to live and often dealing with health issues stemming from contaminated homes. My office has been working to assist these individuals in exploring what remedies and protections might be available to them. Many of the legal and financial remedies that have been proposed are dependent on the results of the scientific and technical tests currently being conducted by your agencies.

I wish to emphasize my strong belief that a rapid resolution of these assessments is urgently needed.

It is my understanding that the following analyses are currently being conducted:

- Elemental and chemical testing
- Chamber testing
- In-home indoor air sampling
- Electrical and fire safety engineering analyses

These and any other assessments related to Chinese drywall must be completed with all haste, and their results made public without delay. Thank you for your attention to this critically important issue. I look forward to your response.

Sincerely,



Jim Webb  
United States Senator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**OCT 27 2009**

The Honorable Jim Webb  
United States Senate  
Washington DC 20510

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Dear Senator Webb:

Thank you for your letter of October 9, 2009, to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, regarding your concerns about the release of testing data concerning Chinese-imported drywall.

The Consumer Product Safety Commission (CPSC) has the overall lead within the Executive Branch on matters relating to Chinese drywall and the potential corrosivity and health issues. EPA is contributing its scientific and technical expertise to this endeavor. EPA has been collaborating with CPSC and other partners including the Centers for Disease Control (CDC), Housing and Urban Development (HUD) and representatives of the Departments of Health in Florida, Louisiana, and Virginia to evaluate concerns and conduct various sampling activities. EPA is working with these federal and state partners to review the validated results of EPA's testing at houses in Florida and Louisiana which will inform the development of an indoor air testing protocol. This protocol can then be used by federal and state agencies and the private sector to conduct future indoor air testing. Additionally, EPA has performed the content analysis on domestic and imported drywall samples provided by Florida Department of Health (FDOH), CPSC, and collected by EPA. Data validation, review and interpretation of the results by the federal/state technical team is near completion.

EPA agrees that it is imperative that accurate information on the risk to residents in structures built with imported drywall be released in an expedited timeframe. EPA has worked to share information with stakeholders and other interested parties to facilitate an understanding of the sampling protocols, challenges, and anticipated timelines. For more information on these efforts, please log on to <http://www.cpsc.gov/info/drywall>. We will continue to work with CPSC and our other partner agencies to publically share information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, appearing to read "Mathy Stanislaus", is written over the typed name.

Mathy Stanislaus  
Assistant Administrator



**IASIS  
PARTNERS, LLC**

May 7, 2010

Ms. Pamela Janifer  
Congressional Liaison  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

By email and not by mail

Re: Application of Carrizo (Marcellus) LLC to drill exploratory gas well in Bergton

Dear Ms. Janifer:

Thank you for calling me about our letter of April 27 to the Rockingham County Board of Supervisors. I understand that it was forwarded to you via Sen. Jim Webb's office, which in turn was prompted by a request to him from Bath County (Virginia) Administrator Bonnie Johnson. As you know, that letter refers to an earlier April 12 letter, and at your request I attach it to this one.

It is my understanding that the oil and gas drilling industry is exempt from all of the following environmental regulations put in place to protect the public and the environment from harm:

- Comprehensive Environmental Response, Compensation, and Liability Act
- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- Clean Water Act
- Clean Air Act
- National Environmental Policy Act
- Toxic Release Inventory under the Emergency Planning and Community Right-to-Know Act

We believe that this is a terrible disservice to all Americans. The oil and gas industry, especially with the proliferation of the highly toxic and polluting hydrofracture method of extraction, is running a vast, unregulated experiment on the health of all Americans- with complete impunity from regulatory agencies.

The oil and gas industry has sought to hide behind claims of proprietary ownership in refusing to divulge the vast numbers of chemicals with which it pollutes water used in hydrofracture mining known as "fracking fluid." However, as some of these chemicals have become known due to testing, many of them are revealed to be highly toxic, some of them carcinogens, and some of them endocrine disruptors.

May 7, 2010  
Environmental Protection Agency  
Page 2 of 2

There is history from which we should learn. Some compounds such as thalidomide and diethylstilbestrol, took a relatively short time to reveal their damaging effects. But among the chemicals used in fracking fluid, many are known to result in observable health damage only decades after exposure and a host of the chemicals have not been studied sufficiently to know what they will do to people. But ingest them we will, as they are poured on land, leak into our water supplies, and become part of the air we breathe. The well-known DDT story is instructive here as well.

Like many Americans, we are disgusted by the secret dealings that led up to the exclusion of the oil and gas industries from oversight. Such blatant political cronyism does great damage to the respect citizens have for their government, which in turn undermines government effectiveness.

Until regulators clamp down on this widespread pollution, there is no incentive for the industry to develop better, safer methods.

For all the reasons recited in our letters to the Rockingham County Board of Supervisors of April 12 and 27, we believe that the Environmental Protection Agency should have the authority to regulate the oil and gas industry as it does other activities within the United States. Air and water know no boundaries, and it is entirely appropriate that regulation on the national level take place. Indeed, because of the constant movement of air and water, national regulation is the only effective means of preventing pollution.

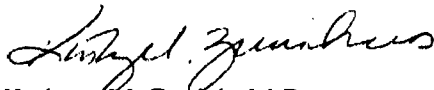
We urge the Environmental Protection Agency to complete its study of hydrofracture mining at the earliest possible date, and that it strongly assert its authority to regulate the oil and gas industry beginning as soon as possible.

We would appreciate your passing this letter (and the April 12 & 27 supporting letters) along to those within your agency involved in the upcoming study and those who have the authority to assert EPA oversight.

Yours sincerely,



R. Brooke Lewis



Kathryn M. Zurich, M.D.



## IASIS PARTNERS, LLC

April 12, 2010

Rockingham County Board of Supervisors  
20 East Gay Street  
Harrisonburg, VA 22802

By electronic transmission and not by mail:

Pablo Cuevas, Chairman, District 1 Supervisor  
[pcuevas@rockinghamcountyva.gov](mailto:pcuevas@rockinghamcountyva.gov)

Frederick E. Eberly, District 2 Supervisor  
[feberly@rockinghamcountyva.gov](mailto:feberly@rockinghamcountyva.gov)

Dee E. Floyd, District 3 Supervisor  
[omle48@aol.com](mailto:omle48@aol.com)

William B. Kyger, Jr, District 4 Supervisor  
[bkyger@rockinghamcountyva.gov](mailto:bkyger@rockinghamcountyva.gov)

Michael A. Breeden, Vice-Chairman, District 5 Supervisor  
[mbreeden@rockinghamcountyva.gov](mailto:mbreeden@rockinghamcountyva.gov)

Re: Application of Carrizo (Marcellus) LLC to drill exploratory gas well in Bergton

Gentlemen:

I spoke with Pablo Cuevas yesterday morning about this issue and said that I would provide some input into this important issue potentially affecting not only citizens of Rockingham County but other portions of Virginia and neighboring states. A precedent is about to be set here.

First off, we are probably not personally or immediately affected by the Bergton matter at our Timberville-area farm. Because of mountainous terrain and distance we should not hear it, see it, or be directly affected by the truck traffic and damaged roads. Depending upon the structure of the aquifer system, we could suffer water contamination, but are probably at no greater risk than any other citizens in our section of Rockingham County. We are not presently members of any local environmental or community group. This letter is simply from two Virginia (particularly Rockingham County) citizens who are very concerned about the coming of hydrofracture gas drilling, especially if it is not closely regulated, to the County and to Virginia.

Second, as I said to Pablo on Sunday, I am impressed at the efforts that the staff has made in trying to come up to speed on these issues, fast. I have spoken with the very informed

Jeff Kelble and Kim Sandum about the progress so far; forgive me if I raise any issues already considered, but I'd rather err on the side of inclusion. We only learned of the matter a week ago.

I understand that the Board has tabled, but may shortly reconsider, a proposal<sup>[1]</sup> to drill for natural gas in the Bergton area and that the driller may intend to use the highly controversial<sup>[2]</sup> "slick water" hydraulic fracturing ("hydrofracturing," also called "fracing" or "fracking") method of extraction. For many reasons, we believe that haste in granting such a permit poses a danger to the County's water, air quality, and infrastructure.

This permit application comes at a time when citizens of other states, alarmed at damage already done and increasing, are advocating moratoria on hydrofracture.<sup>[3]</sup> When counties in other areas such as Whetsel County, WV have allowed hydraulic fracturing without proper safeguards, the price has often been high.<sup>[4,5,6]</sup> That some websites have emotional overtones is reflective of how angry the citizenry has become, and how powerless they feel in these situations. An article in The Observer in West Virginia last month contains a woeful litany of overburdened infrastructure, poisoned air, fish kills, exploding wells and houses, fatal cattle poisonings, leached chemicals including benzene and toluene, and radioactivity. (The Marcellus contains uranium, which decays to radon gas, a known carcinogen.<sup>[7]</sup>) In a similar vein, a film by a New York group describes what will occur when hydrofracture drilling is allowed.<sup>[8]</sup>

It is certainly true that landowners should generally have the right to dispose of their resources as freely as possible. As Pablo knows from his kind visit to our farm on another matter, I believe strongly in individual rights. But where there is a significant risk of harm to other citizens, special care must be taken to balance individual rights against potential danger to the community as a whole.

We are concerned that a would-be first time hydrofracture driller in Rockingham County, one which (or its proxies) has spent at least the last two or more years signing up landowners in Bergton, now wants nearly immediate action from the Board on a permit application submitted at the end of February. Why should the County have to scramble, incompletely prepared, to satisfy the wishes of a corporation (and a tiny number of residents) whose sole goal is to begin making money as soon as possible, especially when that goal may be incompatible with health and environmental concerns of the general citizenry? As a March editorial in the Philadelphia Enquirer puts it, even state officials are "playing catch-up" on hydrofracture safety issues.<sup>[9]</sup>

We're concerned as well about the sharp elbows the oil and gas industry has shown in its dealings with local populations.

The tactics used by some drillers and their representatives are discussed in a West Virginia Public Broadcasting article from 2008.<sup>[10]</sup> I am told that lessors in Bergton were not informed by Carrizo that hydrofracture would be the method used there, and that they expected the process to be essentially the same as methods used previously. This is not the case.

The hydrofracture method of gas extraction at just one well is a huge operation, in terms of number of personnel, vehicles including heavy trucks, massive volumes of water with toxic chemical additives, noise from compressors and other machinery, and is clearly different from conventional extraction methods with which the Bergton lessors may be familiar.

## **BACKGROUND**

The Marcellus Shale formation and its natural gas have been known to the oil and gas industry for many years. Until about 2005, however, it has apparently not been practical economically to extract it. The Energy Policy Act of 2005 freed drillers to engage in much more polluting by exempting them from the provisions of the Clean Water Act and the Clean Air Act,<sup>[11]</sup> and the Safe Drinking Water Act.<sup>[12]</sup> They are also exempted from Superfund control.<sup>[3]</sup> As discussed below, these exemptions may change.

The chemical composition of "fracking fluid," though the wastewater is known to contain numerous toxins, has been a closely held secret. Drilling companies, as highlighted in a 2008 Business Week article, admit that regulators are alarmed about potential widespread pollution. However, they regard fracking fluid formulas as proprietary and have stated that telling the public what is in them would frighten people.<sup>[13]</sup> There is a growing list of possible chemicals in these fluids assembled by concerned citizens and regulators.<sup>[3]</sup>

New York State, in July, 2008, asked all drilling companies in the state to provide lists of chemicals they were using.<sup>[14]</sup> As drillers admit, the choice of chemicals is driven by "cost advantage."<sup>[15]</sup>

Maryland has only recently begun to study the problem after having received drilling applications.<sup>[16]</sup>

An excellent overview of hydrofracture drilling in the Marcellus Shale and issues and problems related to it, is presented by Dr. Anthony Ingraffea, an engineering professor specializing in hydrofracture at Cornell University.<sup>[17]</sup>

## **HYDROFRACTURE DRILLING PROBLEMS**

The problems created by hydraulic fracturing are manifold and well known.

### **Underground Contamination of Drinking Water**

Shenandoah Valley's aquifer is essential to the resident population. River water from the Valley feeds into the Potomac River.<sup>[18]</sup>

At various points along its length, a natural gas well is vulnerable to leaking gas into adjacent rock layers after which, depending upon their fractures, the gas may find its way into wells and aquifers.<sup>[19]</sup>

In areas where hydrofracture has been used (older or newer methods), there are now thousands of reports of contaminated wells.<sup>[20]</sup> I will not attempt to address these individually, but comment that once the damage is done, it is often irreparable. In just one example, in Dimock, PA, a number of well contaminations, spills, and other problems have caused state officials to take action, but the wells are ruined nonetheless.<sup>[21]</sup>

Concern has finally reached the national level, and you will notice that in the literature and media, much has appeared very recently.

In a letter dated February 18, 2010, from Chairman Henry Waxman and Subcommittee Chairman Edward Markey to members of the House Subcommittee on Energy and the Environment, members were notified that letters were being sent to eight oil and gas service companies regarding the chemicals they use in hydraulic fracturing fluids. The Committee now recognizes the health and contamination dangers of these large volumes of fluids and is beginning to take action at the federal level.<sup>[22]</sup> This letter also recites how little federal regulation presently governs hydrofracture drilling. In short, for now, counties are on their own.

Because well casings are the only barrier between groundwater and pollutants, they must be monitored literally forever.<sup>[23]</sup> Consider that statement. Once drilling companies have made their money, capped their wells, and left (or are defunct), who will pay for that?

### **Methane Leaks & Explosions**

Methane can leak from gas wells into aquifers or through rock fractures into drinking water wells. One such methane contamination in Ohio resulted in the migration of gas into a residence and the subsequent explosion of the house.<sup>[24]</sup> Water wells have exploded. Drillers often deny any connection between methane contamination and their operations, but methods of tracing methane sources are improving. The increase in methane in groundwater in Garfield County, Colorado, for example, is conclusively tied to gas well drilling because the isotope markers of the methane could be traced.<sup>[25]</sup>

The evidence is growing. There are many reports, some of them graphically illustrated on sites like YouTube, of homeowners being able to ignite gas from faucets after drilling operations in the Marcellus Shale caused gas to leak into wells or aquifers.<sup>[26]</sup>

### **Water Consumption**

The hydrofracture process uses tremendous quantities of fresh water, which is polluted in the process.<sup>[27]</sup> Depending on the size of the well, each one can run into the millions of gallons. Where, exactly, will all this water come from, and how might its use be balanced against the needs of others, especially in the event of a drought?



### **Wastewater Disposal**

The huge volume of toxic wastewater produced by a well should not be disposed of in traditional wastewater plants, which are not equipped to remove the chemicals involved. Doing so results in contamination of rivers, such as the Monongahela, which provide drinking water for thousands of people downstream.<sup>[28]</sup> The chemical composition of "fracking fluid" varies, but it is always toxic. In Bergton, which lies in a floodplain, open pits holding this fluid are vulnerable to overflow and would thereby contaminate nearby land and water. The proposed Ennis well site has a stream on each side of it.

There is a new effort by drillers in at least New York to dispose of fracking fluids by injecting them back into existing, spent wells. This lecture by Cornell University engineering professor Dr. Anthony Ingraffea discusses the problems that would arise from this.<sup>[23]</sup> The lecture also discusses Marcellus Shale drilling issues generally.

### **Road Damage & Vehicle Accidents**

High traffic volume, including hundreds of huge, very heavy trucks can overwhelm rural communities, destroy their roads, and create severe traffic hazards. The series of pictures and accounts on this West Virginia website chronicles a staggering number of such problems in just one county in a short period of time.<sup>[4]</sup>

### **Fire**

Oil and gas drilling always carries with it the risk of fire, as this example from a few days ago in Pennsylvania illustrates.<sup>[29]</sup> Especially in rural communities, such can overwhelm the capabilities of first responders, not to mention the risk to persons and property. Merely trusting the driller to provide for these events is not a good option.

### **Noise & Light Pollution**

These nuisances are legion. They pose a lesser, and potentially curable threat, unlike the irreversible contamination of an aquifer. However our neighbors in West Virginia living near hydrofracture wells "compare the foul air and constant roar of compressors to living in an industrial zone."<sup>[7,26]</sup>

That said, we believe that the County should require the applicant, to the extent possible, to comply with noise standards. These giant diesel compressors and other equipment generate a lot of noise, but some of it can be muffled. Similarly, light pollution can be at least controlled.

The intent of the driller is to operate round the clock, every day of the week. The County should give some thought to limiting this if possible. These installations make a surprising racket.

## **CONCLUSIONS & RECOMMENDATIONS**

### **Resistance to Haste on an Important Matter**

An over-arching theme here seems to be that the County feels that it must act very quickly on an application submitted in late February, even though the permit would be for a relatively new drilling process that becomes more controversial by the day. This is apparently new to Virginia, and to Rockingham. It does not seem unreasonable to tell the applicant that the County needs sufficient time to study the matter adequately and to avail itself of appropriate expertise.

As discussed below, EPA has become concerned enough, because of evidence it has obtained, to have embarked on another study. We share those concerns and think the County should wait at least until that study is completed.

If the Board decides not to do that, we suggest that the most stringent qualifications be placed on the permit itself, as discussed or invoked by reference throughout this letter.

### **Environmental Protection Agency Re-Studying Hydrofracture**

In 2004, the EPA produced a report that found no health risks associated with hydrofracture drilling. That report was used to support the Energy Policy Act of 2005 referred to above. The report was later found to have been based upon flawed, biased, and manipulated data, and the EPA will re-study the matter.<sup>[30]</sup> Given the exponentially increasing number of complaints and verified connections between hydrofracture and environmental damage, we consider it likely that the EPA will reverse itself. This should give any permit-granting authority in the nation, including Rockingham County, pause.

It will be unfortunate if, in spite of all this evidence, the County grants a permit allowing presently-used, possibly soon-outmoded drilling methods on what may be the eve of a massive shift toward safer methods and chemicals in this country. Put simply, because of all the negative consequences now coming to light, a safer method of extraction of natural gas may be just around the corner for the Marcellus Shale.

### **Virginia Department of Mines, Minerals & Energy Is Not, By Itself, Sufficient**

Reliance upon the DMME alone to inspect and enforce drilling practices, especially given the new hydrofracture process, is likely misplaced. In 2008, there were apparently nine enforcement staff expected to cover 5,821 wells.<sup>[31]</sup>

This is a nationwide problem, with inspectors saying that they are spread too thin to do their jobs.<sup>[32]</sup>

Given the danger posed by this project, instead of relying on DMME, the County should be proactive in requesting information from the potential driller, imposing carefully worded restrictions in the permit, and surveilling all activity at the site.

There are plenty of available resources to construct such restrictions.

Models such as New York State's July 2008 letter to hydraulic fracture drillers<sup>[33]</sup> provide at least a partial checklist of information to request in advance of the permit, for incorporation into the permit. So do community efforts such as New York's Citizen's Campaign for the Environment.<sup>[3]</sup> Some of the best information about environmental damage is to be found on the websites of groups sometimes derisively referred to as "tree huggers." In the discussion of these issues that affect all of us, it is best that we recognize that while we might not all agree on political issues, the information may be absolutely correct. Air and water that do not pose health risks is a matter we can all agree upon.

#### **Authority to Refuse Hydrofracture Chemicals**

We believe that is very important for the County to have the right of refusal for any chemical that the driller intends to inject into the ground. We all know from history that many companies, oil and gas or others, have used highly toxic chemicals, hiding behind proprietary claims in order to keep the public from knowing what they are.

Chemicals can migrate and pollute aquifers, permanently. Why should any applicant, in any industry, be allowed to refuse to disclose the nature of each and every chemical, and the exact combination of them, that will be injected under high pressure below our aquifers?

#### **Rockingham Inspectors Financed by the Applicant**

Productive gas wells yield profits in the multiple millions of dollars, and the Carrizo company is certainly not a pauper. Virginia and Rockingham County have limited oversight resources. There is precedent for requiring permit applicants to fund outside consultancies to aid the County in work it must perform as a result of applicants' activities.

It is reasonable that as a condition of the permit the applicant should fund two County employees, full time, whose jobs it will be to oversee the entire process of drilling and/or later harvest of gas. Carrizo proposes to operate "24/7," which is beyond the capability of one inspector.

#### **Financial Responsibility/Realistic Means of Collection**

As the Superfund people can tell us, U.S. history is replete with examples of industries that have created terrible pollution problems and then gone out of business, leaving the taxpayer to pay for the mess. The same is true of property damage and personal injury. We think it essential that Carrizo should have to post a bond, escrow funds, or by some other adequate method prove financial responsibility as a condition of any permit they obtain. Items such as road damage are contemplated; there is a history of these companies damaging them and then refusing to pay. But at the other end of the spectrum, permanently poisoning a large aquifer would cause such massive financial damage that

the amount of financial responsibility to be required be closely studied and it should amount to millions of dollars.

Reliance on the DMME to look out for Rockingham County's financial interests in the event of damage would not address these problems.

Equally important is a realistic, economical means of collection. If the permit merely requires the applicant to repair damage, etc., then if there is a problem, Carrizo or its insurer or bonding company could simply decide that litigation is a better strategy than paying up. However, if a method of dispute resolution is agreed upon in advance, with a neutral arbiter whose decision is binding, the County will be on a more level playing field when trouble arises. And given the history elsewhere, trouble seems very likely.

These are issues that must be dealt with prior to granting permits. With the profits at stake it is fair that Carrizo should cover the risks of its entrepreneurial venture.

#### **Establish Effective Method of Permit Revocation if Conditions Breached**

There are a number of laws and regulations, from traffic ordinances to the amount of water that can be drawn from surface waters that have their own enforcement structure. We suggest, however, that pertinent requirements related to the proposed Bergton drilling be made a part of the permit itself in such a way that breach of such conditions is a basis upon which the County can revoke the permit. In this way, the price for, say, illegally drawing water from a source, or dumping contaminants in a river, would threaten the applicant not only with a paltry fine but with cessation of its operations and forfeiture of its investment. That is a realistic deterrent to pollution and other damage.

All too often, once permits are granted, large corporations feel free to do as they please, with little threat from the overseeing county board. This would give the County some teeth.

#### **Review By Law Firm Qualified In Oil & Gas Law**

Oil and gas companies have stables of lawyers dedicated to advancing company interests, whether or not those interests are compatible with the interests of residents in areas in which they operate.

At the very least, the County should have the permit and all applicable documents reviewed by a top-flight oil and gas law firm to be certain that the wording of the document effects what the County intends and to maximize potential enforcement should problems arise. I think that it is very reasonable to have the company pay for this, and I understand that there is precedent for having permit applicants pay for consultants. This is a highly specialized area of the law that I, who have been in practice for over 25 years, would not even attempt to touch without consultation.

To give just one example of the difference between the expectations of the applicant and some county residents in this case, some residents believe that the permit will only be for exploration. However, the permit application states, "Because of the large expenditure for this operation, we are permitting for all phases as a refused permit for any phase would render the entire project nonviable."<sup>[1]</sup>

Similarly, there is a notion that the production well would be vertical only. I see nothing in the special use permit application that so limits the driller.<sup>[1]</sup>

Further, the permit application is entirely inadequate regarding any plan for testing nearby sources of drinking water and monitoring for potential contamination by toxic fracking fluids. Simply stating that water will be tested for contaminants is insufficient. A specific plan must be in place that describes what will be tested for, and how often, to assure safety of these vital water sources. Once contaminated with fracking fluids, they will no longer be usable to the community. No useful testing for contaminants can take place without knowing the exact composition of all fluids used by the company in the drilling process. One must know what to test for; testing cannot be done blindly without knowing specifically what to look for and which assay methods to use.

Oversight of the permit drafting process by qualified counsel is essential here. We suggest that this cost should be borne by the applicant.

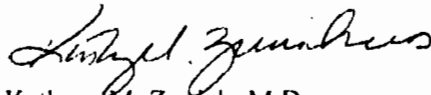
We strongly urge the Rockingham County Board of Supervisors to determine the full extent of its authority over hydrofracture gas drilling and to exercise that authority maximally to protect the health and safety of citizens.

Yours sincerely,



R. Brooke Lewis

I concur,



Kathryn M. Zurich, M.D.

cc: Joe Paxton, County Administrator  
[jpaxton@rockinghamcountyva.gov](mailto:jpaxton@rockinghamcountyva.gov)

Thomas H. Miller, County Attorney  
[tmiller@rockinghamcountyva.gov](mailto:tmiller@rockinghamcountyva.gov)

Diana Stultz, Zoning Administrator  
[dstultz@rockinghamcountyva.gov](mailto:dstultz@rockinghamcountyva.gov)

## References

1. Site where application for Carrizo (Marcellus) LLC drilling permits in Bergton can be downloaded:  
<http://www.preserverockingham.org/ourissues/naturalgasmining.html>
2. ABC News, February 2010: "Gas Drilling in Appalachia Creates a Foul Byproduct:"  
<http://abcnews.go.com/Business/wireStory?id=9728199>
3. Protecting New York's Air, Land, Water & People; What's the Hydro-Fracking Rush?:  
[http://www.citizenscampaign.org/PDFs/cce\\_hvhf\\_wp\\_final.pdf](http://www.citizenscampaign.org/PDFs/cce_hvhf_wp_final.pdf)
4. Whetsel County Action Group website:  
<http://www.wcag-wv.org/>
5. Marcellus Shale website:  
<http://www.marcellus-shale.us/>
6. ShaleShock website:  
<http://www.shaleshock.org/>
7. The Observer (WV), March 2010, "House Bill Eyes Shale Gas Drilling:"  
<http://www.wvobserver.com/2010/03/house-bill-eyes-shale-gas-drilling/>
8. Toxic Targeting film:  
[http://www.youtube.com/watch?v=OHBjw2hZ4U4&feature=PlayList&p=9709689464AA0A7F&playnext\\_from=PL&playnext=1&index=5](http://www.youtube.com/watch?v=OHBjw2hZ4U4&feature=PlayList&p=9709689464AA0A7F&playnext_from=PL&playnext=1&index=5)
9. Philadelphia Enquirer, March, 2010 editorial: legislators playing "catch-up:"  
[http://www.philly.com/inquirer/opinion/20100322\\_Editorial\\_The\\_risks\\_of\\_fracking.html](http://www.philly.com/inquirer/opinion/20100322_Editorial_The_risks_of_fracking.html)
10. West Virginia Public Broadcasting article, August 2008: "Oil & Gas Drillers Pushing Landowners for Fast Deals:"  
<http://www.wvpubcast.org/newsarticle.aspx?id=3874>
11. Energy Policy Act of 2005:  
[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=f:publ058.109](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ058.109)
12. Understanding the Safe Drinking Water Act:  
[http://www.epa.gov/safewater/sdwa/pdfs/fs\\_30ann\\_sdwa\\_web.pdf](http://www.epa.gov/safewater/sdwa/pdfs/fs_30ann_sdwa_web.pdf)
13. Business Week, 11, 2008: "Does Natural-Gas Drilling Endanger Water Supplies:  
[http://www.businessweek.com/magazine/content/08\\_47/b4109000334640\\_page\\_3.htm](http://www.businessweek.com/magazine/content/08_47/b4109000334640_page_3.htm)

14. July 11, 2008 Letter from New York State Department of Environmental Conservation, Division of Mineral Resources, to all companies drilling in New York State, asking for detailed information about the type and amount of chemicals they are using and intend to use:  
[http://s3.amazonaws.com/propublica/assets/natural\\_gas/nysdec\\_shale\\_wells\\_letter\\_080711.pdf](http://s3.amazonaws.com/propublica/assets/natural_gas/nysdec_shale_wells_letter_080711.pdf)

15. EnerMax (Texas oil & natural gas company) website:  
<http://www.enermaxinc.com/hydraulic-fracturing>

16. Maryland Dept. of Environment takes first look at Marcellus Shale:  
<http://www.mde.state.md.us/ResearchCenter/Publications/General/eMDE/vol4no2/naturalgas.asp>

17. Three-part video lecture by Dr. Anthony Ingraffea, Cornell University, on hydrofracture well drilling and issues related to the process:  
Part 1: [http://www.youtube.com/watch?v=FpMa18\\_jawk&feature=related](http://www.youtube.com/watch?v=FpMa18_jawk&feature=related)  
Part 2: <http://www.youtube.com/watch?v=wn0zPluOjGk&feature=related>  
Part 3: <http://www.youtube.com/watch?v=P4EZgyk2CDk&feature=related>

18. Shenandoah Valley Aquifer (illustration):  
[http://basyevortex.com/index.php?option=com\\_content&task=view&id=72&Itemid=108](http://basyevortex.com/index.php?option=com_content&task=view&id=72&Itemid=108)

19. Diagram of gas well:  
<http://www.propublica.org/feature/anatomy-of-a-gas-well-426>

20. National Resources Defense Council list of complaints involving hydraulic fracturing:  
[http://switchboard.nrdc.org/blogs/ama1/incidents\\_where\\_hydraulic\\_frac.html](http://switchboard.nrdc.org/blogs/ama1/incidents_where_hydraulic_frac.html)

21. New York Times, December 2009: "The Dark Side of a Natural Gas Boom:"  
<http://www.nytimes.com/2009/12/08/business/energy-environment/08fracking.html?pagewanted=1&r=2>

22. Waxman-Markey letter, February 18, 2010:  
[http://energycommerce.house.gov/Press/111/20100218/hydraulic\\_fracturing\\_memo.pdf](http://energycommerce.house.gov/Press/111/20100218/hydraulic_fracturing_memo.pdf)

23. Video lecture by Dr. Anthony Ingraffea, Cornell University, on injection well issues:  
<http://www.mefedia.com/watch/28577813>

24. Report on the Investigation of the Natural Gas Invasion of Aquifers in Bainbridge Township of Geauga County, Ohio:  
[http://s3.amazonaws.com/propublica/assets/natural\\_gas/ohio\\_methane\\_report\\_080901.pdf](http://s3.amazonaws.com/propublica/assets/natural_gas/ohio_methane_report_080901.pdf)

25. Garfield County, CO Hydrogeologic Study, Summary & Conclusion:  
[http://s3.amazonaws.com/propublica/assets/methane/thyne\\_review.pdf](http://s3.amazonaws.com/propublica/assets/methane/thyne_review.pdf)

26. YouTube demonstration of homeowner igniting gas from water faucet:  
<http://www.youtube.com/watch?v=TEtgvwllNpg&feature=related>
27. Penn State Extension Agent's film of hydrofracture procedure:  
<http://www.youtube.com/watch?v=QefLQKLb5co&NR=1>
28. Article of river contamination by hydrofracture drilling:  
<http://www.propublica.org/feature/wastewater-from-gas-drilling-boom-may-threaten-monongahela-river>
29. April 1 story about an explosion and fire at a hydrofracture site in Pennsylvania:  
<http://www.postgazette.com/pg/10091/1047159-58.stm>
30. EPA will re-study the problem of hydrofracture - March, 2010 announcement:  
<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/ba591ee790c58d30852576ea004ee3ad!OpenDocument>
31. Table of Virginia mine enforcement staff:  
<http://projects.propublica.org/gas-drilling-regulatory-staffing/states/VA>
32. Inspectors spread too thin:  
<http://www.propublica.org/feature/state-oil-and-gas-regulators-are-spread-too-thin-to-do-their-jobs-1230>
33. New York State Letter to Hydraulic Fracture Drillers, July 2008:  
[http://s3.amazonaws.com/propublica/assets/natural\\_gas/nysdec\\_shale\\_wells\\_letter\\_080711.pdf](http://s3.amazonaws.com/propublica/assets/natural_gas/nysdec_shale_wells_letter_080711.pdf)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
RESEARCH AND DEVELOPMENT

The Honorable Jim Webb  
United States Senate  
Washington, D.C. 20510

Dear Senator Webb:

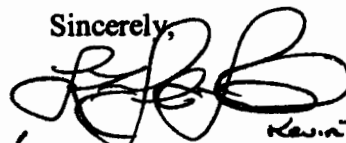
Thank you for the May 5, 2010, email from your Field Representative, Mr. Martin Mash, to the U.S. Environmental Protection Agency's (EPA) Region 3 Office regarding information provided by your constituents, Ms. R. Brooke Lewis and Dr. Kathryn M. Zurich, concerning EPA's research study of hydraulic fracturing. The email and constituent's information were referred to my office, the Office of Research and Development, for response. We appreciate the interest in our study.

EPA is in the very early stages of study planning and is taking the utmost care in scoping the project to address Congress' request spelled out in the U.S. House of Representatives Appropriation Conference Committee's Fiscal Year 2010 budget report language. The study will include a robust stakeholder involvement process, engaging the full range of stakeholders and the scientific community to ensure that independent sources of information and the best-available science will be used throughout the study.

We have forwarded the information sent by Ms. Lewis and Dr. Zurich to our scientific experts leading the study, for them to consider along with other information provided by interested stakeholders. Their task is to diligently lead the study and conduct it in a transparent, timely, and coordinated manner, as called for in the report language.

Again, thank you for your email. If you have further questions, please contact me or your staff may call David Piantanida in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-8318.

Sincerely,

  
for Paul T. Anastas  
Assistant Administrator

10-001-1680

1/7

JIM WEBB  
VIRGINIA

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4074

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

United States Senate  
WASHINGTON, DC 20510-4806

July 12, 2010

Ms. Joyce K. Frank  
Acting Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Fax: (202) 501-1519

Dear Ms. Frank:

This letter is sent on behalf of my constituent, *exempt* about whom I have previously written.

*exempt* has expressed disagreement with the response of the Environmental Protection Agency and has outlined the points on which there is such disagreement. For your convenience, I have enclosed her letter to me and, additionally, a copy of your original response.

I would appreciate it if you would send your response to me at my Northern Virginia office, addressed to the attention of my caseworker, Sara D. Brown, at 7309 Arlington Boulevard, Suite 316, Falls Church, VA 22042. She may also be reached by phone at (703) 573-7097, by fax at (703) 573-7098, or by e-mail at [Sara.Brown@webb.senate.gov](mailto:Sara.Brown@webb.senate.gov).

With kindest regards, I am

Sincerely,  
  
Jim Webb  
United States Senator

JW: sdb

JUL 01 2010

*Exempt b*  
*Exempt b*

Senator Jim Webb  
7309 Arlington Blvd.  
Suite 316  
Falls Church, Virginia 22402

Re. *Exempt b* EPA Discrimination Complaint

Dear Senator Webb:

I received your recent letter indicating the response you received from the EPA regarding my discrimination charge.

This was a canned response to mask the actual discrimination. I could have continued there as I had for over seven years except for the placement of an individual in a supervisory position who believed in discrimination and was willing to carry out *Exempt b* *Exempt b* orders. My former supervisor advised me in a private conversation before she left to take a job in congress as an attorney, that *Exempt b* did not like me and would seek to end my relationship there solely for that reason.

Your inquiry was taken lightly with a canned response hoping you would drop the matter. The matter involves discrimination, harassment, the abuse of the EPA security force against a senior Hispanic diabetic with health problems, and endangerment which can be punishable as a misdemeanor up to a felony. I believe the taunting by *Exempt b* in the presence of other employees borders on assault for she knew I was ill and possibly expected me to collapse in retaliation.

As indicated there were other employees there: *Exempt b* *Exempt b*, etc., etc. just to name a few who witnessed this despicable behavior on the part of a government employee.

Not collapsing or succumbing to her other tactics she used the security force to ban me from the building so that I could not come back and file a complaint against her. That alone is discrimination and the improper use of a government agency's security force for private gains.

I am once again requesting that you have this matter properly investigated. I believe the issue could be turned over to the Attorney General's office. The matter involves discrimination by *Exempt b* on government property which was carried out by her employee *Exempt b* in such a manner that my life was in danger by the willful harassment and abuse on September 15, 2008, which could have caused my death, since I

have a medical history of seizures, one of which caused me to be in a coma for several days.

Again, I was repeatedly harassed by *Exempt* who called a security guard to watch over me while she counted down the time for a half hour she had suddenly allotted me to gather my belongings together. This was sheer harassment meant to harm me since she knew full well that I had many belongs acquired over my 7 years of employment there which I could not possibly gather together so quickly; and she was aware of my medical condition. She meant to harm me, plain and simple because I tried to tell other employees that I would be leaving, and she was aware that I was well liked and she would be (correctly) accused of discrimination.

Although I informed her repeatedly that I did not feel well, she continued the harassment and I was unable to take my insulin during this stressful and frightful period and could have lapsed into a diabetic coma. She instructed the guard (abuse of the security force) not to leave me and he escorted me all the way to the metro and I could not take my insulin even though I was feeling very ill. I had to call my doctor as soon as I arrived home. Fortunately I survived the metro trip back to Arlington without passing out. What kind of person calls a burly security guard to harass a 69 year old senior citizen with health problems?

My only crime was that I tried to tell other employees whom I was friendly with that I would be leaving after 7 years there and this was not in keeping with her plan to dispose of me quickly and hire someone else.

Although I was not officially an EPA employee, I worked there for seven years under their supervision with EPA funds and was not hired until they reviewed my resume. For all intents and purposes I was an employee, and most important, the harm done to me was by an EPA employee.

The cavalier dismissal of these charges without proper investigation should not be allowed to stand.

I wish to have these employees investigated and *Exempt* at least charged with willful endangerment and assault. There were other employees in the office who witnessed this un-called for behavior.

It can be clearly shown that *Exempt* is a liar since she constructed a termination letter where she uses the name of *Exempt*, supposedly my monitor, as the individual requesting my termination. Not only had *Exempt* not been my monitor for several months, but she admitted to myself and my representative that she had no knowledge of the existence of the letter and that her name had been used in it. If fact, she was upset that *Exempt* had used her name.

Clearly *Exempt* is a liar. She covered up the fact that *Exempt* did not like me and did not want me to continue there by using someone else's name as the source of the

termination *Exempt b* is a liar and should be removed from her position along with *Exempt b*

The allegation that I had made threatening remarks, used to bar me from the building so I would not file a complaint, is preposterous. During that day I had several friendly conversations with employees and was even written a letter of commendation from *Exempt b* *Exempt b*, asking that I be retained.

Please reopen this case and use the power at your disposal to investigate this matter..

My former supervisor, department head *Exempt b* told me in a private conversation before she left to take a job in congress as an attorney, that *Exempt b* did not like me and would seek to end my relationship there solely for that reason.

It should be safe for senior citizens and members of a minority to work in a government facility without being harassed.

Finally, I have been out of work for quite some time now and I wish to be made whole again by having a similar position to the one I had at the EPA before this abhorrent incident took place.

I also wish that inappropriate 'Order Not to Enter' be terminated immediately. One should be issued against them.

Thank you for your kind assistance.

Sincerely,

*Exempt b*



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 07 2010

JUN - 3 2010

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
7309 Arlington Boulevard, Suite 316  
Falls Church, Virginia 22042

Dear Senator Webb:

Thank you for your May 13, 2010, letter regarding your constituent, *Exempt* and her termination from the Senior Environmental Employment (SEE) Program.

The SEE Program, initiated under the Environmental Programs Assistance Act of June 12, 1984, authorizes the Environmental Protection Agency (EPA) to enter into cooperative agreements with private nonprofit organizations designated by the Secretary of Labor under Title V of the Older Americans Act.

*Exempt* : was enrolled in the SEE Program by the National Older Worker Career Center (NOWCC). As a participant in the SEE Program, *Exempt* signed a one-year enrollment agreement with NOWCC on September 30, 2007. This agreement stated that her enrollment in the SEE Program would expire one year later on September 30, 2008. NOWCC notified *Exempt* on September 12, 2008, that her last day in the Program would be September 30, 2008, and reminded her that SEE positions are temporary in nature.

After *Exempt* received notification that her enrollment agreement was ending, she made threatening phone calls to an EPA staff member. Taking all threats seriously, EPA management notified its security office and the Federal Protective Service. Although *Exempt* could have continued working until September 30, 2008, she could not do so because she had been barred from entering the building as a result of these threatening phone calls. She was, however, paid through the end of the enrollment agreement.

COPY

National Chemicals Program Division  
U.S. Environmental Protection Agency  
1201 Pennsylvania Ave. N.W.  
Washington, D.C. 20460

September 15, 2008

John K. Everett, Director  
NOWCC Eastern Field Office  
3811 North Fairfax Drive  
Suite 900  
Arlington, VA 22203

Dear Mr. Everett:

I learned today that *Exempt* has received a letter from you saying that her SBE enrollment will not be renewed. I was sorry to learn about the letter because *Exempt* is an important part of our office. I have worked in the federal government for 22 years, and have observed many administrative staff members over that time. *Exempt* is one of the best in terms of the quality of her work and her helpfulness.

Some months ago, I needed help with a rush project and the office manager for my branch was unavailable. *Exempt* stepped in for the other assistant, even though she is not assigned to my branch. I was very pleased with her efficiency and thoroughness, not to mention her cheerfulness. After that, I had occasion to work with *Exempt* several times, and found her work was excellent each time. When I was in the middle of a project with many quick-turn-around tasks, *Exempt* came to me and offered her help. I appreciated that very much.

I would be very disappointed if *Exempt* had to leave her job. Please consider extending her assignment so that the government can continue to benefit from her good service.

I am happy to talk with you if you wish. My phone number is *Exempt 6*.  
Thank you very much for considering *Exempt* benefit to our office.

Sincerely,

*Sue Slotnick*

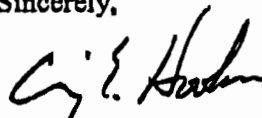
Sue Slotnick  
Environmental Protection Specialist

CONFIDENTIAL

On June 8, 2009, ~~exempt~~ again made threats to EPA staff members and taking all threats seriously, the EPA security office barred ~~exempt~~ from entering the building through June 5, 2010. The EPA staff ~~exempt~~ threatened are still employed at EPA and the staff are still concerned for their safety. Therefore, the EPA security office has extended the bar notice on ~~exempt~~

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Clara Jones, EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3701.

Sincerely,



Craig E. Hooks  
Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG - 4 2010

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
7309 Arlington Boulevard, Suite 316  
Falls Church, Virginia 22042

Dear Senator Webb:

Thank you for your July 12, 2010, letter regarding your constituent, *exempt* concerning her non-renewal under the Senior Environmental Employment (SEE) Program.

*exempt* was enrolled in the SEE Program by the National Older Worker Career Center (NOWCC). The one-year enrollment agreement *exempt* had with NOWCC stated that her enrollment in the SEE Program would expire September 30, 2008. NOWCC notified *exempt* on September 12, 2008 that her last day in the SEE Program would be September 30, 2008, and reminded her that SEE positions are temporary in nature.

After *exempt* received notification that her enrollment agreement was ending, she made threatening phone calls, left threatening voice mail messages, and mailed threatening letters to EPA staff. As a result, on September 15, 2008, the EPA Security Office denied *exempt* access to all EPA controlled space within all EPA Headquarters buildings. If *exempt* feels these actions are the result of discrimination, she may pursue recourse with the Equal Employment Opportunity Commission (EEOC).

Again, thank you for your letter. If you have further questions, please contact me at (202) 564-4600 or your staff may call Clara Jones, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3701.

Sincerely,

Craig E. Hooks  
Assistant Administrator

11-001-6838

JIM WEBB  
VIRGINIA

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4074

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS

COMMITTEE ON  
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

## United States Senate

WASHINGTON, DC 20510-4605

October 7, 2011

The Honorable Lisa P. Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20004

Dear Administrator Jackson,

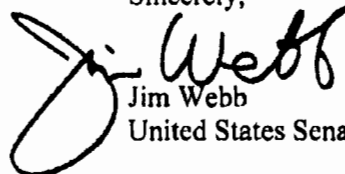
I write to you regarding an employment matter at your agency.

*Example* was recently terminated from the Western Ecology Division. Before his termination *Example* made serious accusations regarding his work environment and the actions of his management team in his division internally to the EPA and to my office. It is my understanding that an independent investigation was conducted into the matter. My staff has requested a copy of the report generated from the independent investigation; however, citing privacy concerns, your Office of General Counsel has declined to provide it.

It is also my understanding that *Example* has filed an EEOC complaint, and has appealed his termination internally with your agency. While I do not seek to interfere with ongoing litigation or with your agency's internal employment decision process, as a U.S. Senator I have an obligation to fairly examine accusations of malfeasance when they are brought to my attention.

An appropriate review of this matter and my clear understanding of the events that transpired require that my staff be provided with a copy of the independent report. I would appreciate your earliest cooperation.

Sincerely,

  
Jim Webb  
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 15 2011

The Honorable Jim Webb  
United States Senate  
Washington, D.C. 20510

OFFICE OF CONGRESSIONAL AND  
INTERGOVERNMENTAL RELATIONS

Dear Senator Webb:

Thank you for your letter dated October 7, 2011, regarding an employment matter at the EPA's Western Ecology Division involving *exempt*. Your letter requests a copy of a report generated from an internal EPA investigation of this employment matter.

*exempt* previously requested this information in accordance with the Freedom of Information Act (FOIA) and the Privacy Act. The responding EPA program indicated the report was exempt from disclosure under the FOIA and the Privacy Act and, therefore, withheld the document. *exempt* then filed an administrative appeal of the denial of his FOIA request, but did not appeal the denial of his Privacy Act request.

Pursuant to the EPA's FOIA regulations, the EPA Office of General Counsel (OGC) reviewed *exempt*'s administrative FOIA appeal. In a letter dated September 8, 2011, OGC explained that, among other reasons, the requested report is exempt from disclosure because the document is deliberative and disclosure of the report would interfere with the personal privacy of individuals other than *exempt*. Public release of an internal deliberative document, such as the report in question, could have a chilling effect on the agency's ability to fairly investigate complaints and properly respond to internal employment matters and disputes. The document in question also contains information that applies to particular individuals who participated in an internal investigation of a personnel matter. The harm to those individuals as a result of disclosure outweighs the public interest in such a disclosure. Therefore, we regret that we will be unable to provide you with the document that you request.

I appreciate the statement in your request that, as a United States Senator, you believe that you have an obligation to fairly examine allegations of malfeasance that are brought to you. As you noted in your letter, there is a current and ongoing investigation into an EEOC complaint filed against the agency by *exempt*. The filing of such a complaint ensures that the allegations will be thoroughly reviewed by that independent administrative body and, possibly, judicial bodies.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ms. Christina J. Moody of my staff at 202-564-0260.

Sincerely,

Arvin R. Ganesan  
Associate Administrator

JIM WEBB  
VIRGINIA

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

United States Senate  
WASHINGTON, DC 20510-4605

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4024

11-001-8228

October 11, 2011

The Honorable Lisa P. Jackson  
Administrator, Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20004

Dear Administrator Jackson,

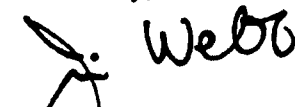
I write to you regarding an employment matter at your agency.

*exempt b* was recently terminated from the Western Ecology Division. Before his termination *exempt b* made serious allegations regarding his work environment and the actions of his management team in his division internally to the EPA and to my office. It is my understanding that an independent investigation was conducted into the matter. My staff has requested a copy of the report generated from the independent investigation; however, citing privacy concerns, your Office of General Counsel has declined to provide it.

It is also my understanding that *exempt b* has filed an EEOC complaint, and has also appealed his termination internally with your agency. While I do not seek to interfere with ongoing litigation or with your agency's internal employment decision process, as a U.S. Senator I have an obligation to fairly examine questions of malfeasance when they are brought to my attention.

An appropriate review of this matter and my clear understanding of the events that transpired require that my staff be provided with a copy of the independent report. I would appreciate your earliest cooperation.

Sincerely,

  
Jim Webb  
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 15 2011

The Honorable Jim Webb  
United States Senate  
Washington, D.C. 20510

OFFICE OF CONGRESSIONAL AND  
INTERGOVERNMENTAL RELATIONS

Dear Senator Webb:

Thank you for your letter dated October 7, 2011, regarding an employment matter at the EPA's Western Ecology Division involving *exempt*. Your letter requests a copy of a report generated from an internal EPA investigation of this employment matter.

*exempt* previously requested this information in accordance with the Freedom of Information Act (FOIA) and the Privacy Act. The responding EPA program indicated the report was exempt from disclosure under the FOIA and the Privacy Act and, therefore, withheld the document. *exempt* then filed an administrative appeal of the denial of his FOIA request, but did not appeal the denial of his Privacy Act request.

Pursuant to the EPA's FOIA regulations, the EPA Office of General Counsel (OGC) reviewed *exempt* administrative FOIA appeal. In a letter dated September 8, 2011, OGC explained that, among other reasons, the requested report is exempt from disclosure because the document is deliberative and disclosure of the report would interfere with the personal privacy of individuals other than *exempt*. Public release of an internal deliberative document, such as the report in question, could have a chilling effect on the agency's ability to fairly investigate complaints and properly respond to internal employment matters and disputes. The document in question also contains information that applies to particular individuals who participated in an internal investigation of a personnel matter. The harm to those individuals as a result of disclosure outweighs the public interest in such a disclosure. Therefore, we regret that we will be unable to provide you with the document that you request.

I appreciate the statement in your request that, as a United States Senator, you believe that you have an obligation to fairly examine allegations of malfeasance that are brought to you. As you noted in your letter, there is a current and ongoing investigation into an EEOC complaint filed against the agency by *exempt*. The filing of such a complaint ensures that the allegations will be thoroughly reviewed by that independent administrative body and, possibly, judicial bodies.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ms. Christina J. Moody of my staff at 202-564-0260.

Sincerely,

Arvin R. Ganesan  
Associate Administrator

09-000-4057

2/8 -

JIM WEBB

VIRGINIA

COMMITTEE ON  
ARMED SERVICES

COMMITTEE ON  
FOREIGN RELATIONS

COMMITTEE ON  
VETERANS' AFFAIRS

JOINT ECONOMIC COMMITTEE

WASHINGTON OFFICE:

WASHINGTON, DC 20510  
(202) 724-4024

## United States Senate

WASHINGTON, DC 20510-4805

March 24, 2009

Mr. Luis A. Luna  
Assistant Administrator  
Environmental Protection Agency  
1225 New York Avenue, Suite 1100  
Washington, D.C. 20005

Dear Mr. Luna:

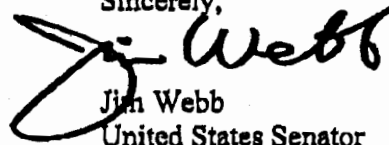
This letter is sent on behalf of my constituent, *Exempt*, about whom I have previously written.

*Exempt* has expressed disagreement with the response of the EPA and has outlined the points on which there is such disagreement. For your convenience, I have enclosed her letter to me and, additionally, a copy of your original response.

I would appreciate it if you would send your response to me at my Arlington Office, addressed to the attention of my Regional Representative, Gwen Sigda, at 1501 Lee Highway, Suite 130, Arlington, VA 22209. She may also be reached by phone at 703-807-0581, by fax at 703-807-5198, or by e-mail at [gwen\\_sigda@webb.senate.gov](mailto:gwen_sigda@webb.senate.gov).

With kindest regards, I am

Sincerely,

  
Jim Webb  
United States Senator

JW:gs

MAR 24 2009

*Exempt b*  
*Exempt b*

BY FEDERAL EXPRESS

Senator James Webb  
Northern Virginia Regional Office  
1501 Lee Highway  
Suite 130  
Arlington, Virginia 22202

Dear Senator Webb:

I was in Costa Rica visiting my family after the untimely death of my brother and have just had the opportunity to review your January 23<sup>rd</sup> letter after arriving back home.

In it you forwarded a letter of response from an Assistant Administrator, Miss Luis Luna of the EPA where she basically repeated the website blurb about what the SEE Program is, denied I was an employee, and of course denied any wrongdoing, which was expected.

This cavalier response from a low level individual, pertaining to a serious matter is insufficient and demonstrates that the charge was not taken seriously. The matter should have been investigated by a high level official since it involves discrimination, harassment, the abuse of the EPA security force against a Hispanic 69 year old diabetic with health problems, and endangerment which can be punishable as a misdemeanor up to a felony.

I am once again requesting that you have this matter properly investigated. The matter involves discrimination by *Exempt b* which was carried out by her employee *Exempt b* in such a manner that my life was in danger by the willful harassment on September 15, 2008, which could have caused my death, since I have a medical history of seizures, one of which caused me to be in a coma for several days.

I was repeatedly harassed by *Exempt b* who called a security guard to watch over me while she counted down the time for a half hour she had suddenly allotted me to gather my belongings together. This was sheer harassment meant to harm me since she knew full well that I had many belongs acquired over my 7 years of employment there which I could not possibly gather together so quickly.

*Exempt b* was completely aware of my medical condition. It is well known that I am a diabetic and I repeatedly reminded her during the day, as she heatedly reprimanded me for trying to tell other employees that I was leaving, that I was a diabetic and that I was not feeling well. She followed this by having my e-mail capabilities cut off and at the end of the day, frightened and harassed me by calling a security guard and badgered me to

AL-09000-4057

5/8

COPY

CONFIDENTIAL

National Chemicals Program Division  
U.S. Environmental Protection Agency  
1201 Pennsylvania Ave. N.W.  
Washington, D.C. 20460

September 15, 2008

John K. Everett, Director  
NOWCC Eastern Field Office  
3811 North Fairfax Drive  
Suite 900  
Arlington, VA 22203

Dear Mr. Everett:

I learned today that *exempt b* has received a letter from you saying that her SBE enrollment will not be renewed. I was sorry to learn about the letter because *exempt b* is an important part of our office. I have worked in the federal government for 22 years, and have observed many administrative staff members over that time. *exempt b* is one of the best in terms of the quality of her work and her helpfulness.

Some months ago, I needed help with a rush project and the office manager for my branch was unavailable. *exempt b* stepped in for the other assistant, even though she is not assigned to my branch. I was very pleased with her efficiency and thoroughness, not to mention her cheerfulness. After that, I had occasion to work with *exempt b* several times, and found her work was excellent each time. When I was in the middle of a project with many quick-turn-around tasks, *exempt b* came to me and offered her help. I appreciated that very much.

I would be very disappointed if *exempt b* had to leave her job. Please consider extending her assignment so that the government can continue to benefit from her good service.

I am happy to talk with you if you wish. My phone number is *exempt b*. Thank you very much for considering *exempt b* benefit to our office.

This letter of commendation was written the same day I was harassed by *exempt b* and rudely escorted to the door by a security guard following her directions. This is in contrast to *exempt b* fabricated story that I was some sort of threat that had to be escorted by a guard.

This individual was in the office that day.

Sincerely,

*exempt b*  
*exempt b*  
Environmental Protection Specialist



gather my things together while she and the guard stood over me in a menacing fashion, and I was unable to even take my insulin. I was escorted out of the building, at her direction, like a common criminal.

She meant to harm me, plain and simple, just because I tried to tell other employees that I would be leaving, and she was aware that I was well liked and she would be (correctly) accused of discrimination.

Once again, I informed her repeatedly that I did not feel well, yet she continued the harassment and I was unable to take my insulin during this stressful and frightful period and could have lapsed into a diabetic coma. She instructed the guard (abuse of the security force) not to leave me and he escorted me all the way to the metro even though I was feeling very ill. I had to call my doctor as soon as I arrived home. Fortunately I survived the metro trip back to Arlington without passing out. What kind of person calls a burly security guard to harass a 69 year old senior citizen with health problems, under a federally funded program for seniors no less?

My only crime was that I tried to tell other employees whom I was friendly with that I would be leaving after 7 years there and this was not in keeping with her plan to dispose of me quickly and hire someone else.

Although I was not officially an EPA employee, I worked there for seven years under their supervision with EPA funds and was not hired until they reviewed my resume. For all intents and purposes I was an employee, and most important, the harm done to me was by an EPA employee. Had it not been for the discrimination I suffered, I would still be there today, working under the SEE Program.

The cavalier dismissal of these charges by an administrative assistant no less, without proper investigation, is appalling.

I wish to have these employees investigated and *exempt*, at least, charged with willful endangerment. There were other employees in the office who witnessed this un-called for behavior.

I wish to have this matter properly investigated and remedial action taken.

It can be clearly shown that *exempt* is a liar since she constructed a termination letter (enclosed) where she uses the name of *exempt* supposedly my monitor, as the individual requesting my termination. Not only had *exempt* not been my monitor for several months, but she admitted to me and my representative that she had no knowledge of the existence of the letter and that her name had been used in it. If fact, she was upset that *exempt* had used her name. They used her name to divert attention away from the actual persons calling the shots.

AL-09-000-4057

6/8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 23 2009

JAN 16 2009

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
1501 Lee Highway, Suite 130  
Arlington, Virginia 22209

Dear Senator Webb:

Thank you for your October 17, 2008 letter regarding your constituent, *Exempt* concerning her termination from the Senior Environmental Employment (SEE) Program. *Exempt* has authorized us to share personnel information with you and therefore we can provide this detailed response.

The SEE Program, initiated under the Environmental Programs Assistance Act of June 12, 1984, authorizes the Environmental Protection Agency (EPA) to enter into cooperative agreements with private nonprofit organizations designated by the Secretary of Labor under Title V of the Older Americans Act. The private, non-profit organizations then enroll individuals age 55 and over in the program. Individuals enrolled in the SEE Program are not Federal government employees nor are they considered contractors to the Federal government. Federal personnel may provide direction to SEE enrollees in the Program, but it is the responsibility of the national grantee organizations to hire, fire, and take formal disciplinary action for participants as dictated by their respective personnel policies and procedures.

*Exempt* was enrolled in the SEE Program by the National Older Worker Career Center, (NOWCC). As a participant in the SEE Program *Exempt* signed a one year enrollment agreement with NOWCC on September 30, 2007. This agreement stated that her enrollment in the SEE Program would expire one year later on September 30, 2008. NOWCC notified *Exempt* on September 12, 2008 that her last day in the Program would be September 30, 2008 and reminded her that SEE positions are temporary in nature.

After *exempt* received notification that her enrollment agreement was ending, she made threatening phone calls to an EPA staff member. Taking all threats seriously, EPA notified its security office and the Federal Protective Service. Although *exempt* could have continued working until September 30, 2008, she was barred from entering the building as a result of the threatening phone calls that she had made. She was, however, paid through the end of the term of the enrollment agreement.

It appears that *exempt* made additional allegations with regard to the actions of EPA employees in her transmittal to your office. EPA specifically denies these allegations and further denies that the expiration of *exempt* enrollment from the SEE Program was improper in any way.

You can obtain additional information about *exempt* from the NOWCC, 3811 North Fairfax Drive, Suite 900, Arlington, Virginia 22203.

Again, thank you for your letter. If you have further questions, please contact me at (202) 564-4600 or your staff may call Clara Jones, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3701.

Sincerely,



Luis A. Luna  
Assistant Administrator

JAN 12 2009

**OFFICE OF SENATOR JIM WEBB**  
Information/Privacy Release

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

*Please describe the situation for which you are requesting assistance:*

Termination of Employment as an employee under the Senior Environmental Employment Program at the EPA on September 15, 2008. Details of the complaint were submitted in detail separately. I was released for discriminatory reasons, and harassed the day I was released so that my health was in danger—an employee said I had 30 minutes to leave—counted over me even though I said I was not feeling well—I could not even take my insulin shots. Subsequently a non-Hispanic was hired in my place. I am a senior Hispanic

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb and his staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: exempt b DATE 01/07/09

Name: (please print) exempt b Date of Birth: exempt b

Address exempt b

City: Arlington State: Virginia Zip: 22202

Day Telephone exempt b Evening Telephone: \_\_\_\_\_

E-mail Address: exempt b

Federal Agency Involved: EPA

Case Number (if applicable): exempt b

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

# UNITED STATES SENATE

## FAX COVER SHEET

### NORTHERN VIRGINIA REGIONAL OFFICE SENATOR JIM WEBB

1501 Lee Highway, Suite 130  
Arlington, VA 22209  
703-807-0581 (OFF)  
703-807-5198 (Fax)

DATE: 3/24/09

FROM: GWEN SIGDA, REGIONAL REPRESENTATIVE

TO: Carla Jones OFFICE: EPA

FAX #: 202-501-1519 PH #: 202-564-3701

SUBJECT: exempt

Carla - Per our chat, here  
is the latest correspondence  
from exempt. Thank  
you for your help.

9 #OF PAGES INCLUDING COVER SHEET



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY - 1 2009

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
1501 Lee Highway, Suite 130  
Arlington, Virginia 22209

Dear Senator Webb:

Thank you for your March 24, 2009 letter regarding your constituent, *Exempt* concerning the non-renewal of her annual enrollment agreement in the Senior Environmental Employment (SEE) Program.

The SEE Program provides an opportunity for retired and unemployed older Americans age 55 and over to share their expertise with the EPA. We take pride in this program that provides older workers with an opportunity to remain active by using their skills in meaningful environmental programs.

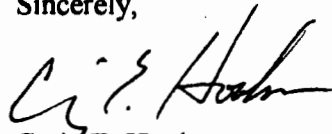
As stated in our January 16, 2009 letter signed by the Assistant Administrator for the Office of Administration and Resources Management, *Exempt* was selected to participate as a SEE enrollee pursuant to the terms and conditions of an Environmental Protection Agency (EPA) Cooperative Agreement with the National Older Worker Career Center (NOWCC).

EPA appropriately reviewed the issues raised by *Exempt* regarding the non-renewal of her annual enrollment agreement with the NOWCC. Specifically, under her signed enrollment agreement (enclosed) she is not considered a federal government employee. The enrollment agreement stated that her assignment would begin on September 30, 2007 and expire no later than September 29, 2008. The NOWCC notified *Exempt* on September 12, 2008 that her last day in the Program would be September 30, 2008 and reminded her that the SEE assignments are temporary in nature. Based on the action of the NOWCC, they followed the appropriate policy and procedures for enrollment and non-renewal of SEE assignments.

*Exempt* if she chooses, may pursue recourse with the Equal Employment Opportunity Commission (EEOC) should she believe the issues expressed in her letter involve discrimination.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ms. Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig E. Hooks", written in a cursive style.

Craig E. Hooks  
Acting Assistant Administrator

Enclosure

AL-09000-4057

**NATIONAL OLDER WORKER CAREER CENTER  
SENIOR ENVIRONMENTAL EMPLOYMENT (SEE) PROGRAM  
ENROLLMENT AGREEMENT**

The Senior Environmental Employment (SEE Program, which is authorized by the Environmental Programs Assistance Act of 1984 [Public Law 98-313]), authorizes the Environmental Protection Agency to enter into Cooperative Agreements with private, non-profit organizations designated by the Secretary of Labor under Title V of the Older Americans Act of 1965. Through these Cooperative Agreements, the talents of older Americans, age fifty-five and older, are utilized in temporary, short-term assignments providing technical assistance to Federal, State, and local environmental agencies for projects on pollution prevention, abatement and control.

The NOWCC, Inc. is an authorized private non-profit aging organization, as stipulated under Public Law 98-313, who has entered into a Cooperative Agreement, known as #CQ832893 named EPA Office of OPPT.

Pursuant to the terms of this Cooperative Agreement, you have been selected to participate as a Level # 2 SEE Enrollee. Your responsibilities and duties have been defined in the attached SEE Position Description (*Appendix A*). Furthermore, it is important that you understand that under this agreement, you are not considered to be a government employee; and as a result, there are certain duties that you cannot perform in this assignment. A list of these duties are contained in *Appendix B*.

In order to participate as a SEE Enrollee, you must understand and acknowledge the following terms and conditions:

1. Your enrollment in the SEE Program is scheduled to begin on September 30, 2007 and will expire no later than September 29, 2008. Your rate of pay for the duration of this enrollment period is \$11.16 per hour.
2. Your enrollment may terminate prior to the expiration of this Agreement if you: fail to perform, engage in misconduct, fail to provide all the information required for the U.S. EPA to conduct a background check to determine suitability, or fail to obtain a favorable suitability determination by the U.S. EPA.
3. If for any reason funding ceases for all, or a part of this Cooperative Agreement, your enrollment in the SEE Program will terminate immediately.
4. During your enrollment, a U.S. Environmental Protection Agency Monitor will handle the day-to-day direction of your efforts. The SEE Program assumes responsibility for the day-to-day aspects of your enrollment, such as administrative oversight and processing of paperwork associated with travel and training reimbursements, payroll/fringe benefits administration, and other authorized expenses.
5. Your enrollment will commence only after you have read, understood, and signed the Non Disclosure Agreement (*Appendix C*) and the Conflict of Interest Statement (*Appendix D*).
6. For positions in laboratories and other facilities where the U.S. Environmental Protection Agency staff receive medical monitoring examinations, the Enrollee is required to have a base-line medical examination upon enrollment in the program, annual follow-up medical examinations, and an exit medical examination upon exiting the program. These medical examinations will be paid for through Cooperative Agreement funds, and arranged by the SEE Program.
7. The SEE Program may require additional physical examinations to meet certain liability insurance requirements or personnel policy requirements.
8. Neither the U.S. Environmental Protection Agency nor the NOWCC accord you "employee" status by virtue of your enrollment in the SEE Program. Hence, you are not eligible to receive the benefits accorded to Federal, State, or local government employees, or the NOWCC employees. You are eligible for, and will receive the benefits funded by the Cooperative Agreement #832893.
9. As a SEE Enrollee you may terminate the Enrollment Agreement at any time, with written notice.

I understand and agree to the foregoing terms and conditions (including the *Appendices*) applicable to my enrollment in the SEE Program. I understand and agree to the terms and conditions set forth in the Non Disclosure Agreement (*Appendix C*) and the Conflict of Interest Agreement (*Appendix D*). I further acknowledge that I have been provided a copy of, and have read, the NOWCC/SEE Program Pre-Enrollment Information Summary prior to signing this document. I certify that I am eligible to participate in the SEE Program and my name does not appear as an ineligible person on the Excluded Parties Listing System (currently at <http://www.epa.gov>).

Signature: ExampleDate: September 4, 2007

Distribution:

ENROLLEE PERSONNEL FILE

ENROLLEE COPY

MONITOR COPY



JIM WEBB  
VIRGINIA

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4024

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

**United States Senate**  
WASHINGTON, DC 20510-4605

May 13, 2010

Ms. Joyce K. Frank  
Acting Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Fax: (202) 501-1519

Dear Ms. Frank:

Enclosed is correspondence from my constituent in reference to a matter involving your agency.

Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your immediate attention and expeditious assistance would be greatly appreciated.

I would appreciate it if you would send your response to me at my Northern Virginia office, addressed to the attention of my caseworker, Sara D. Brown, at 7309 Arlington Boulevard, Suite 316, Falls Church, VA 22042. She may also be reached by phone at (703) 573-7097, by fax at (703) 573-7098, or by e-mail at [Sara\\_Brown@webb.senate.gov](mailto:Sara_Brown@webb.senate.gov).

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,



Jim Webb  
United States Senator

JW: sdb  
Enclosure

# OFFICE OF SENATOR JIM WEBB

## Information/Privacy Release

MAY 04 2010

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

*Please describe the situation for which you are requesting assistance:*

Employment discrimination and harassment  
Detailed letter previously sent - They have even issued order  
that I, almost 71 years old with medical problems cannot  
even enter the building to apply for other jobs

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb and his staff to receive any information that they may need to provide this assistance.

The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: exempt DATE: 5/2/10  
 Name: (please print) exempt Date of Birth: exempt  
 Address: exempt  
 City: Arlington State: Virginia Zip: 22202  
 Day Telephone: exempt Evening Telephone: \_\_\_\_\_  
 E-mail Address: exempt  
 Federal Agency Involved: EPA  
 \*\*\*Case# or Social Security # exempt  
 REQUIRED INFORMATION MUST HAVE ONE OR THE OTHER

RETURN TO: 7309 Arlington Boulevard, Suite 316, Falls Church, VA 22042  
 Phone: 703-573-7090 (Off)

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

ATTN: Sara D. Brown



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**JUN - 3 2010**

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
7309 Arlington Boulevard, Suite 316  
Falls Church, Virginia 22042

Dear Senator Webb:

Thank you for your May 13, 2010, letter regarding your constituent, *exempt* and her termination from the Senior Environmental Employment (SEE) Program. *exempt*

The SEE Program, initiated under the Environmental Programs Assistance Act of June 12, 1984, authorizes the Environmental Protection Agency (EPA) to enter into cooperative agreements with private nonprofit organizations designated by the Secretary of Labor under Title V of the Older Americans Act.

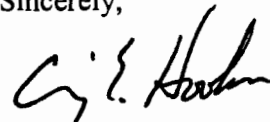
*exempt* was enrolled in the SEE Program by the National Older Worker Career Center (NOWCC). As a participant in the SEE Program, *exempt* signed a one-year enrollment agreement with NOWCC on September 30, 2007. This agreement stated that her enrollment in the SEE Program would expire one year later on September 30, 2008. NOWCC notified *exempt* on September 12, 2008, that her last day in the Program would be September 30, 2008, and reminded her that SEE positions are temporary in nature.

After *exempt* received notification that her enrollment agreement was ending, she made threatening phone calls to an EPA staff member. Taking all threats seriously, EPA management notified its security office and the Federal Protective Service. Although *exempt* could have continued working until September 30, 2008, she could not do so because she had been barred from entering the building as a result of these threatening phone calls. She was, however, paid through the end of the enrollment agreement.

On June 8, 2009, *exempt b* again made threats to EPA staff members and taking all threats seriously, the EPA security office barred *exempt b* from entering the building through June 5, 2010. The EPA staff *exempt b* threatened are still employed at EPA and the staff are still concerned for their safety. Therefore, the EPA security office has extended the bar notice on *exempt b*

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Clara Jones, EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3701.

Sincerely,



Craig E. Hooks  
Assistant Administrator

JIM WEBB  
VIRGINIA

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

08-001-6055

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4024

**United States Senate**  
WASHINGTON, DC 20510-4805

October 17, 2008

Mr. Stephanie N. Daigle  
Executive Director  
Environmental Protection Agency  
1225 New York Avenue, Suite 1100  
Washington, D.C. 20005

Dear Mr. Daigle:

Enclosed is correspondence from my constituent, *Exempt* concerning a complain he has filed with your agency.

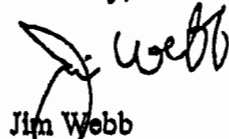
Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency. Your attention and assistance would be greatly appreciated.

I would appreciate it if you would send your response to me at my Arlington Office, addressed to the attention of my Regional Representative, Gwen Sigda, at 1501 Lee Highway, Suite 130, Arlington, VA 22209. She may also be reached by phone at 703-807-0581, by fax at 703-807-5198, or by e-mail at [gwen\\_sigda@webb.senate.gov](mailto:gwen_sigda@webb.senate.gov).

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,



Jim Webb  
United States Senator

JW:gs  
Enclosure

*Exempt*

OCT 03 2008

October 3, 2008

Senator James Webb  
1501 Lee Highway  
Suite 130  
Arlington, VA 22209

Dear Senator Webb:

I am a Hispanic senior citizen who has been employed for the past seven years as a contract worker for the National Older Worker Career Center (NOWCC) at the EPA through the federally funded Senior Environmental Employment Program (SEE).

My contract employment was terminated recently for what I believe are unjust personal discriminatory reasons.

In fact, because I even tried to communicate to my fellow workers that my employment had ended, I was harassed and escorted from the building, a 69-year-old diabetic with medical problems.

It was suggested by a co-worker who wishes to remain anonymous because of possible retaliation, that I write to the Director, *Exempt* : of the division I worked in, about my treatment and the loss of my position.

I have done so, and enclosed with this letter is a copy of the letter sent to him. However, since there is always the strong possibility of a "protect our own" atmosphere where nothing will be done, I have also submitted my complaint to you for investigation, since it involves federal funding of a senior citizen program.

*Exempt* letter explains in detail, the complaint, although I have left out any names of co-workers for fear of retaliation. I have included a letter from someone at the EPA sent to the Executive Director of NOWCC, commending my work, although I am fearful of any retaliation toward her.

**COPY**

*exempt*  
*exempt*  
October 1, 2008

*exempt*  
Director, Office of Pollution Prevention and Toxics  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 7401M  
Washington, DC 20460

Dear *exempt*

It is with deep regret that I must write this letter to you, since I have immensely enjoyed the experience of working in your organization over the last 7 years as a contract worker from the National Older Worker Career Center (NOWCC) under the Senior Environmental Employment Program (SEE), and wish it could have continued.

Unfortunately, recent troubling events have prevented my continuation in the program. After much careful reflection and consultation with my family, I have decided to take remedial action for the unjust loss of my contract position and the hardship this will cause me. My family assisted me with the writing of this letter so that I can make very clear to you what my complaint and intentions are. The events recounted are taken from notes I kept in my personal diary.

I have also been given other outside advice. I have been informed that since the program involves the use of government funds, in a senior citizen program, any possible inappropriate actions by EPA personnel can be investigated.

Prior to joining your organization I suffered much hardship and was very glad to be a part of your organization and enjoy the benefits of working there and the great improvement in the quality of my life. I was able to pay my rent, purchase food and medical supplies, and even purchase an older vehicle. Now, due to a questionable decision made by a member of your staff, I must face that hardship again.

In the event you do not know, I am a senior citizen with diabetes and other medical problems. However, this has not prevented me from following my work ethic of working very hard at your organization over the past 7 years. As stated, I enjoyed working there very much and also the relationships I formed with other employees.

Now I will get to the base of the matter. I was informed several months ago by a former high-ranking employee of your organization that *Ornette* held some sort of personal animosity toward me and would seek to terminate my contract for this purpose only.

That employee took me aside and in a private meeting informed me that my services would be terminated. I was not informed exactly why she held this animosity toward me, but I was informed she did.

Perhaps she does not like Hispanics and/or senior citizens who do not speak perfect English as she does. Certainly, she has made it known that she did not like any small Spanish conversations I had with a friend from the maintenance staff.



Perhaps she can afford to take such positions and subsequent actions which cause hardship, having never known hardship herself.

Although I had trouble believing my informant and hope *Exempt* would not take action to terminate me, unfortunately, my respected informant was proven right. On Friday September 12 at about 3 pm, I was called by *Exempt* into her office where I also found *Exempt* of the National Older Worker Career Center (NOWCC). I was informed by *Exempt* that my assignment would be terminated effective September 30, 2008 but I could leave on the following Tuesday.

I was also given a sealed letter, which I read later, signed by *Exempt* stating that my assignment was being terminated and that it had been requested by my EPA monitor.

- *Exempt*

Although I asked why this was happening, since I had work to do, neither individual would give me any type of answer, which I found peculiar. Instead, I was informed several times that I should not discuss the matter with anyone, although now it has been claimed that I was told that I 'did not have to tell anyone.' I stand by the former correct statement, which you will see by the actions below, was their actual intent. *Exempt* insisted that I leave on the following Tuesday and the meeting ended.

I was very saddened and left. At approximately 3:30 pm *Exempt* approached me and gave me an assignment for the following Monday. I informed her what had just

happened. She claimed she had no knowledge of the letter and did not request such action and was both surprised and a little upset.

Obviously she did not request the termination of my assignment. In fact, *Exempt 6* is not and has not been my monitor in quite some time. Her name had been used in this letter, without her knowledge, to hide the actual individual who had made this decision, which obviously, *Exempt 6* purposely withheld. A copy of that letter is enclosed.

On Monday, after a stressful weekend I returned to work and had a brief meeting with *Exempt 6* in which I showed her the letter with her name in it. I learned later that *Exempt 6* had only submitted a form to NOWCC according to a superior's instruction and had not requested anything. The bottom of the letter indicated she had been copied but this was false, put there to deceive me. She had received no copy of the letter and had no knowledge of it.

*Exempt 6* appeared very upset at seeing her name in the letter, used without her knowledge and walked off to have a closed door meeting with *Exempt 6*

At about 10 am I felt that I should tell my co-workers that my contract had been terminated and I would not be there much longer. After 7 years, this was the proper thing to do. *Exempt 6* had not notified anyone. Some individuals were not at their desks and I wanted to make sure they knew I would be leaving. Since everyone knew I was a NOWCC contract worker, I left a copy of the letter on their vacant desks stating that my contract had been terminated. There is absolutely nothing of any confidential nature in

AL-08-001-6055

the letter, which was addressed to me, that should have upset anyone or cause the subsequent action.

*Elm* was obviously embarrassed by the entire matter, and after her meeting with *Elm* she appeared upset. When she learned I had left notification on employees' desks, she went scurrying about like a jackrabbit with diarrhea trying to scoop up anything I had left on anyone's desk pertaining to my leaving.

My blood sugar levels were dropping as I watched her and I was not feeling well. Finally she came over to me and scolded me for letting people know I was leaving, claiming I was upsetting the office, which of course, was not true.

**AFTER SEVEN YEARS at the EPA, *Elm* SHOULD HAVE HAD THE DECENCY to issue a memo or send out a general e-mail about my leaving which is customary behavior, so I would not have to notify employees myself. Apparently, she just wanted me to disappear. The fact that she did not and her subsequent behavior, witnessed by others, was peculiar to say the least.**

Her behavior was making me quite nervous. I informed her that I was a diabetic and I was not feeling well at the moment and to PLEASE leave me alone. I told her this several times which was witnessed by others, yet she continued until she felt she had vented her anger, then stormed back to her office.

I returned to my desk and at approximately 10:15, I began e-mailing a number of individuals telling them that I would be leaving the EPA. Some employees began responding to me, indicating they were saddened by this, and some dropped by my desk to say they were saddened, commending my work (see attached exhibit) and to wish me well.

At approximately 11:00 am, *Kenya* stopped by my desk, very upset, stating she did not want to talk to me anymore. I do not know why. I assume she was still annoyed and embarrassed that her name had been used in the letter and *Kenya* had admonished her in their meeting. Her entire demeanor, normally friendly, had changed. I believe she felt threatened.

Apparently *Kenya* became aware of my e-mails and that employees were stopping by my desk to wish me well and at approximately 11:30 am I noticed that my e-mail capabilities had been turned off. At first I thought there was a computer problem and asked someone to help me with it but he informed me the problem was not technical. *Kenya* had turned my e-mail capabilities off and obviously could not find anyone who would disconnect my phone to silence me further.

THESE ACTIONS ARE MORE IN KEEPING WITH A COMMUNIST STATE THAN ANYTHING THAT SHOULD BE HAPPENING IN AN AMERICAN ORGANIZATION.

*Exempt* who has had her position only several months obviously lacks any training in handling personnel situations. She is heavy handed and should not have such a responsible position, regardless of any technical training she may have.

*Exempt* did not return to my desk for quite a while but must have called *Exempt* *Exempt* who called me at approximately 3:15 pm, telling me I was upsetting the office. I told him I had not done this and I also informed him that I was not feeling well due to all this harassment. Apparently believing whatever *Exempt* had told him, he chastised me further,

My doctor has always warned me about getting upset like this. DESPITE my telling *Exempt* *Exempt* and *Exempt* that I was not feeling well, they paid no attention to me. There was no excuse for this. They could have continued their conversations with me at a later time when my blood sugar level was normal and I was feeling well again but both ignored my pleas.

A short while after I told *Exempt* I was not feeling well and ended my conversation with him, about 4:00 pm. *Exempt* finally returned to my desk with a security guard telling me I had 30 minutes to take my things and leave. I was supposed to leave the following day but obviously *Exempt* wanted me to leave as soon as possible for OTHER MOTIVES.

The guard treated me as if I were a criminal. In my 7 years at the EPA I had never seen anyone who was leaving treated in such a manner. It was nothing short of harassment.

I had many personal items in the office. *exempt* actually had the GALL to count down the minutes, starting with 30, as she hovered over me as if she were in some western counting down the minutes until something evil was going to happen. I was very stressed and could not gather all my things together and the guard kept treating me as if I were a criminal. I kept telling them I was not taking anything that belonged to the EPA. I was becoming very ill.

Finally *exempt* reached the end of her countdown and said I had ONLY ONE MINUTE LEFT and subsequently the guard escorted me out of the building like an escaped convict. While he was escorting me out, *exempt* commented that I would have to make an APPOINTMENT through her to try to get my personal belongings.

I'm certain the image of a 69 year old with medical problems being escorted out of the building at *exempt* instructions, will remain as a repulsive negative image in the memory of the other employees for quite a long time. The SEE Program is meant to assist seniors, not to have them harassed and escorted out of the building.

I have been contacted about this indirectly by some employees who are fearful of retaliation if they contact me directly. I am happy to say I enjoy the support of these employees. *exempt* and *exempt* appear to have likeability as well as managerial problems.

After being escorted out, I was so stressed that when I finally reached the metro station, my blood sugar level had dropped so much that I felt as if I were going to pass into unconsciousness. This has happened several times in my lifetime requiring someone to call an ambulance to take me to the hospital to be revived. This is documented in my personal medical records.

What happened to me at the hands and direction of *exempt b* when I emphatically informed her of my health condition, was completely uncalled for and negligent.

Fortunately I was finally able to reach my apartment in Arlington and take the proper dosage of insulin to revive myself. I subsequently had to call my doctor ( *exempt b* ) *exempt b* and go to the office for further examination and evaluation. My doctor documented my condition resulting from this event, to be released with my authorization at a later time if necessary.

Attempting to inform employees that I was leaving, when my supervisor failed to do so, was not an excuse to treat me like a criminal and cause me enough stress to end my life. *exempt b* tried to hide the fact that I was leaving and went to great lengths to have me, a 69-year-old diabetic with medical problems, quickly escorted from the building, since it was embarrassing to her and she was afraid of what others would think of her. She exhibited totally unprofessional behavior in the presence of others.

However, I will not endure any further discrimination and this final indignity of the loss of my contract position in such a manner. The same standards have not been applied to others.

As indicated, I have sought outside advice on this matter and have been advised to bring it to your attention first, before consenting to other action on my behalf. This is a serious matter to me. This is not the way government personnel should be behaving.

The loss of my position, contract or otherwise, is a serious financial hardship for me and I believe it was done for personal discriminatory reasons. After 7 years, I actually expected that I could obtain a regular position with the EPA. How foolish I was.

I do not like to be treated without dignity and have my livelihood taken away from me in such a QUESTIONABLE manner. I do not like discrimination practiced against me no matter who does it, even if they have a lofty position with a PhD attached to their name.

I do not seek much: only the restoration of my dignity, a return to work, and the cessation of any further discrimination. Thank you.

Exempt  
Exempt



# UNITED STATES SENATE

## FAX COVER SHEET

### NORTHERN VIRGINIA REGIONAL OFFICE SENATOR JIM WEBB

1501 Lee Highway, Suite 130  
Arlington, VA 22209  
703-807-0581 (OFF)  
703-807-5198 (Fax)

DATE: 12/19/08

FROM: GWEN SIGDA, REGIONAL REPRESENTATIVE

TO: Robert Kaufman OFFICE: Cong Liaison Per

FAX #: 202-501-1519 PH #: \_\_\_\_\_

SUBJECT: exempt

Per our conversation,  
Here is our original 10/17/08  
inquiry

17 #OF PAGES INCLUDING COVER SHEET

AL-08-001-6055



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 16 2009

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
1501 Lee Highway, Suite 130  
Arlington, Virginia 22209

Dear Senator Webb:

Thank you for your October 17, 2008 letter regarding your constituent, *Exempt* concerning her termination from the Senior Environmental Employment (SEE) Program. *Exempt* has authorized us to share personnel information with you and therefore we can provide this detailed response.

The SEE Program, initiated under the Environmental Programs Assistance Act of June 12, 1984, authorizes the Environmental Protection Agency (EPA) to enter into cooperative agreements with private nonprofit organizations designated by the Secretary of Labor under Title V of the Older Americans Act. The private, non-profit organizations then enroll individuals age 55 and over in the program. Individuals enrolled in the SEE Program are not Federal government employees nor are they considered contractors to the Federal government. Federal personnel may provide direction to SEE enrollees in the Program, but it is the responsibility of the national grantee organizations to hire, fire, and take formal disciplinary action for participants as dictated by their respective personnel policies and procedures.

*Exempt* was enrolled in the SEE Program by the National Older Worker Career Center, (NOWCC). As a participant in the SEE Program, *Exempt* signed a one year enrollment agreement with NOWCC on September 30, 2007. This agreement stated that her enrollment in the SEE Program would expire one year later on September 30, 2008. NOWCC notified *Exempt* on September 12, 2008 that her last day in the Program would be September 30, 2008 and reminded her that SEE positions are temporary in nature.

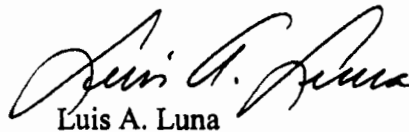
After *exempt* received notification that her enrollment agreement was ending, she made threatening phone calls to an EPA staff member. Taking all threats seriously, EPA notified its security office and the Federal Protective Service. Although *exempt* could have continued working until September 30, 2008, she was barred from entering the building as a result of the threatening phone calls that she had made. She was, however, paid through the end of the term of the enrollment agreement.

It appears that *exempt* made additional allegations with regard to the actions of EPA employees in her transmittal to your office. EPA specifically denies these allegations and further denies that the expiration of *exempt* enrollment from the SEE Program was improper in any way.

You can obtain additional information about *exempt* from the NOWCC, 3811 North Fairfax Drive, Suite 900, Arlington, Virginia 22203.

Again, thank you for your letter. If you have further questions, please contact me at (202) 564-4600 or your staff may call Clara Jones, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3701.

Sincerely,



Luis A. Luna  
Assistant Administrator

07-001-5207



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 19 2007

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Honorable James Webb  
United States Senate  
Washington, D.C. 20510


Dear Senator Webb:

The Environmental Protection Agency's (EPA) Superfund program will be proposing the Hidden Lane Landfill site, located in Sterling, Virginia, to the National Priorities List (NPL) by rulemaking. EPA has received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your State, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me at (202) 566-0200 or your staff may contact Carolyn Levine, Office of Congressional and Intergovernmental Relations, at (202) 564-1859. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

  
Susan Parker Bodine  
Assistant Administrator

Enclosures

## **NATIONAL PRIORITIES LIST (NPL)**

### ***WHAT IS THE NPL?***

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

**1. Scores at least 28.50:**

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

**2. State Pick:**

Each state and territory may designate one top-priority site regardless of score.

**3. ATSDR Health Advisory:**

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit [www.regulations.gov](http://www.regulations.gov).

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit [www.epa.gov/superfund/sites/npl/](http://www.epa.gov/superfund/sites/npl/).



United States  
Environmental Protection  
Agency

OSWER/OSRTI  
State, Tribal, and Site Identification Branch  
Washington, DC 20460

## NATIONAL PRIORITIES LIST (NPL)

\*\*\*Proposed Site\*\*\*

September 2007

**HIDDEN LANE LANDFILL** | **Sterling, Virginia**  
*Loudoun County*

### **Site Location:**

The Hidden Lane Landfill is located in a mixed residential and commercial area of Sterling, Loudoun County, Virginia, approximately ¼ mile north of Route 7.

### **Site History:**

From 1971 through 1984, a landfill was operated at this location. The landfill accepted solid municipal waste and construction debris. The 25 acre landfill was covered with a clay cap and is currently vacant land.

### **Site Contamination/Contaminants:**

The contaminants are volatile organic compounds, including trichloroethene (TCE), 1,1,1-trichloroethane and 1,2-dichloroethene. Concentrations of TCE detected in nine drinking water wells located near the landfill were above the U.S. Environmental Protection Agency's (EPA) established Maximum Contaminant Level for TCE in drinking water.

### **Potential Impacts on Surrounding Community/Environment:**

Ground water underlying the Hidden Lane Landfill and adjacent properties is contaminated with TCE. TCE migrated from the landfill to residential wells located within 1 mile of the landfill. There is the potential for TCE to vaporize and enter homes located within the area of the TCE-contaminated ground water.

### **Response Activities (to date):**

The Virginia Department of Environmental Quality has installed treatment systems on 11 of the 16 residential wells currently known to be contaminated. The Loudoun County Department of Health is strongly advising other residents located in the vicinity to install whole-house water treatment systems.

*[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination. See 56 FR 5600, February 11, 1991, or subsequent FR notices.]*

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaqs.html> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.

JIM WEBB  
VIRGINIA

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

# United States Senate

WASHINGTON, DC 20510-4605

March 15, 2010

10-000-4320  
WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 224-4024

Ms. Joyce Frank  
Acting Associate Administrator for Congressional and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Dear Ms. Frank:

Enclosed is correspondence from my constituent in reference to a matter involving your agency.

Please give this letter every appropriate consideration and review my constituent's case in accordance with all rules, regulations and laws applicable to your agency.

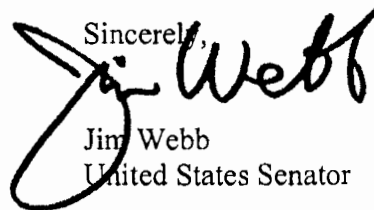
Please reply to my Norton office. In your reply, please reference

*Exempt 6*

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,

  
Jim Webb  
United States Senator

JW: gd  
Enclosure

Norton Office:  
PO Box 1300  
Norton, Virginia 24273  
(276) 679-4925  
Fax (276) 679-4929  
gwyn\_dutton@webb.senate.gov

JIM WEBB

VIRGINIA

COMMITTEE ON  
ARMED SERVICES

COMMITTEE ON  
FOREIGN RELATIONS

COMMITTEE ON  
LEGISLATIVE AFFAIRS

JOINT ECONOMIC COMMITTEE

WASHINGTON OFFICE

WASHINGTON, DC 20513  
(202) 224-4004

## United States Senate

WASHINGTON, DC 20510-4605

### OFFICE OF SENATOR JIM WEBB

#### Information/Privacy Release

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

Please describe the situation for which you are requesting assistance:

(Feel free to add additional pages.)

Within the Virginia Hillbilly at Rosedale, Va. we were built the house. Blocked off drainage and raised his property up. My husband went to him before he even started building and told them that the 1st drainage had to stay open just like the plot called for. We have been trying to get someone to help us. We can't afford an attorney. We have done nothing wrong.

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb and his staff to receive any information that they may need to provide this assistance. The information I have provided to the Office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNED: Exempt b DATE: 3-8-2010

Name: (please print) Exempt b Date of Birth: \_\_\_\_\_

Address: Exempt b

City: Rosedale State: Va Zip: 24282

Telephone: Exempt b E-mail: \_\_\_\_\_

\*\*Federal Agency Involved: \_\_\_\_\_

\*\*Case Number (if applicable): \_\_\_\_\_ OR \*\*SS# Exempt b  
\*\*MANDATORY FILINGS

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member.

Mail to: P.O. Box 1300  
Norton, Virginia 24273

Fax to: 276-679-4929



We have it on camcorder how the water lies on our property. Under the house stays wet. My husband dug a hole and put a pump to drain the water out. We got a guy that deals in mold cleanup, and he said about 7 months ago, that it would cost about \$8,000 to clean it up, but as long as that drainage stayed blocked that over a period of time it would come back.

Also, he bought little over a acre and he is trying to use it as a truck stop. It is just a gas and go station. Trucks come in all hours of the night, 24 hours a day, 7 days a week, and just sits and leaves the engines running, and the diesel is so thick that during the day you can't even sit outside.

I have asthma and COPD, also they found a mass between my lungs. I have about 6 different doctors to have told me that if I don't get out, that it is going to kill me. I'm in and out of the hospital alot, and I'm on alot of medication. I just got out about 6 weeks ago with pneumonia. Because of

the blocked drainage, and the mold under  
my house, I have been told that I cannot  
rent or sell my house, that I could get sued  
One state delegate that I talk to told me to  
close my house up and count it as a loss.  
Please sir, help us. We have done nothing  
wrong, and ~~seems~~ seems like some that  
we have talked to, like were in the  
wrong. I don't understand why my family  
is being treated like this. So please,  
again sir, help us.

Thank You  
Kemp

she blocked drainage, and the motel under  
my home, I have been told that I cannot  
rent or sell my house that I could get sued  
one state delegate that I talk to told me to  
close my house up and count it as a loss.  
Please sir, help us. We have done nothing  
wrong, and ~~seems~~ seems like some that  
we have talked to, like we're in the  
wrong. I don't understand why my family  
is being treated like this. So please,  
again sir, help us

Thank You  
Wentz

Fw: Letter re: *exempt*  
LaRonda Koffi  
to:  
Jeannine Sofia  
04/08/2010 07:20 PM  
Show Details

FYI

-----Forwarded by LaRonda Koffi/R3/USEPA/US on 04/08/2010 07:20PM -----

To: Trevor\_Dean@webb.senate.gov  
From: LaRonda Koffi/R3/USEPA/US  
Date: 04/02/2010 03:07PM  
Subject: Letter re: *exempt*

Trevor,

This is a follow-up to my voice message. EPA does not have a program and cannot provide assistance to *exempt* for this particular issue; however, the local planning authority should be able to assist her. I found some information on the Russell County Government and I am forwarding it to you. Please let me know if this e-mail will satisfy as a response to Senator Webb's inquiry and that a formal letter is no longer needed. Feel free to give me a call.

Thank you,  
LaRonda

\*\*\*\*\*

LaRonda Koffi  
State and Congressional Liaison  
(Commonwealth of Virginia)  
U.S. Environmental Protection Agency (Region 3)  
1650 Arch Street, 3CR00  
Philadelphia, PA 19103  
WP: 215/814-5374

AL-10-000-4920

To: LaRonda Koffi/R3/USEPA/US@EPA  
From: "Dutton, Gwyn (Webb)" <Gwyn\_Dutton@webb.senate.gov>  
Date: 04/07/2010 01:50PM  
cc: "Dean, Trevor (Webb)" <Trevor\_Dean@webb.senate.gov>  
Subject: *Example*

Ms. Koffi,

I am writing regarding your email to Trevor Dean. I am the caseworker who was trying to help *Example* with this problem. I greatly appreciate your looking into this for us. *Example* has contacted her local government and state officials but she says they have told her that she will have to abandon her property and leave. I just wanted to check with EPA to see if there were any type of programs available to help her especially with the mold issue caused by back up drainage from the business next door. She seems to be suffering terribly from that and the exhaust fumes. I will keep checking to see if there is anyone I can refer her to. Thank you again for checking on this and the email you sent to Trevor is a sufficient response.

Sincerely,

*Gwyn Dutton*

Regional Representative

U.S. Senator Jim Webb

P.O. Box 1300

Norton, Virginia 24273

276-679-4925 Fax 276-679-4929

gwyn\_dutton@webb.senate.gov

Website: [www.webb.senate.gov](http://www.webb.senate.gov)

Fw: Letter re:  
LaRonda Koffi  
to:  
Jeannine Sofia  
04/08/2010 07:20 PM  
Show Details

*exempt*

FYI

-----Forwarded by LaRonda Koffi/R3/USEPA/US on 04/08/2010 07:20PM -----

To: Trevor\_Dean@webb.senate.gov  
From: LaRonda Koffi/R3/USEPA/US  
Date: 04/02/2010 03:07PM  
Subject: Letter re

*exempt*

Trevor,

This is a follow-up to my voice message. EPA does not have a program and cannot provide assistance to *exempt* for this particular issue; however, the local planning authority should be able to assist her. I found some information on the Russell County Government and I am forwarding it to you. Please let me know if this e-mail will satisfy as a response to Senator Webb's inquiry and that a formal letter is no longer needed. Feel free to give me a call.

Thank you,  
LaRonda

\*\*\*\*\*

LaRonda Koffi  
State and Congressional Liaison  
(Commonwealth of Virginia)  
U.S. Environmental Protection Agency (Region 3)  
1650 Arch Street, 3CR00  
Philadelphia, PA 19103  
WP: 215/814-5374

AL-10-000-4520

To: LaRonda Koffi/R3/USEPA/US@EPA  
From: "Dutton, Gwyn (Webb)" <Gwyn\_Dutton@webb.senate.gov>  
Date: 04/07/2010 01:50PM  
cc: "Dean, Trevor (Webb)" <Trevor\_Dean@webb.senate.gov>  
Subject: *Exempt 6*

Ms. Koffi,

I am writing regarding your email to Trevor Dean. I am the caseworker who was trying to help *Exempt 6* with this problem. I greatly appreciate your looking into this for us. *Exempt 6* has contacted her local government and state officials but she says they have told her that she will have to abandon her property and leave. I just wanted to check with EPA to see if there were any type of programs available to help her especially with the mold issue caused by back up drainage from the business next door. She seems to be suffering terribly from that and the exhaust fumes. I will keep checking to see if there is anyone I can refer her to. Thank you again for checking on this and the email you sent to Trevor is a sufficient response.

Sincerely,

*Gwyn Dutton*

Regional Representative

U.S. Senator Jim Webb

P.O. Box 1300

Norton, Virginia 24273

276-679-4925 Fax 276-679-4929

gwyn\_dutton@webb.senate.gov

Website: [www.webb.senate.gov](http://www.webb.senate.gov)

10-001-6394

JIM WEBB  
VIRGINIA

WASHINGTON OFFICE:  
WASHINGTON, DC 20510  
(202) 724 4024

COMMITTEE ON  
ARMED SERVICES  
COMMITTEE ON  
FOREIGN RELATIONS  
COMMITTEE ON  
VETERANS' AFFAIRS  
JOINT ECONOMIC COMMITTEE

## United States Senate

WASHINGTON, DC 20510-4605

September 30, 2010

Ms. Joyce K. Frank  
Acting Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Fax: (202) 501-1519

Dear Ms. Frank:

Enclosed is correspondence from my constituent *exempt* in reference to  
a personnel-related matter involving your agency.

Please give this letter every appropriate consideration and review my constituent's case in  
accordance with all rules, regulations and laws applicable to your agency. Your immediate  
attention and expeditious assistance would be greatly appreciated.

I would appreciate it if you would send your response to me at my Northern Virginia  
office, addressed to the attention of my caseworker, Sara D. Brown, at 7309 Arlington  
Boulevard, Suite 316, Falls Church, VA 22042. She may also be reached by phone at (703) 573-  
7097, by fax at (703) 573-7098, or by e-mail at [Sara.Brown@webb.senate.gov](mailto:Sara.Brown@webb.senate.gov).

Thank you so much for your assistance to my constituent.

With warm regards, I remain

Sincerely,  
  
Jim Webb  
United States Senator

JW: sdb  
Enclosure



AL-10-001-6394

0003/0003

## OFFICE OF SENATOR JIM WEBB

### Information/Privacy Release

The Privacy Act of 1974 is a federal law designed to protect you from any unauthorized use and exchange of personal information by federal agencies. Any information that a federal agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or Member of Congress without your written permission. Family members, friends, or other interested parties generally may not authorize on your behalf the release of information covered by the Privacy Act.

*Please describe the situation for which you are requesting assistance:*

*(Feel free to add additional pages.)*

Obtain a copy of the final investigation report  
and debriefing in reference to my violence in the  
workplace complaint. SEE ATTACHED

I hereby request the assistance of the Office of Senator Jim Webb to resolve the matter described above. I authorize Senator Webb and his staff to receive any information needed to provide this assistance.

The information I have provided to the office of Senator Jim Webb is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Webb's office is in no way an attempt to evade or violate any federal, state, or local law.

SIGNER

*Exempt b*

DATE: September 29, 2010

Name: (please print) Mr/Ms

*Exempt b*

Date of Birth:

*Exempt b*

Address:

*Exempt b*

City:

Falls Church

State:

VA

Zip:

22041

Telephone:

*Exempt b*

E-mail:

*Exempt b*

\*\*Federal Agency Involved:

Environmental Protection Agency

\*\*Case Number (if applicable):

OR \*\*SSN

**\*\*MANDATORY FILL-INS**

*Exempt b*

While I am happy to work on your behalf, as a matter of Congressional courtesy, my general policy is to avoid working on constituent cases currently being handled by other Senators or House members from Virginia. Having multiple offices working on the same matter may cause delays in the resolution of your case, thus I encourage you to continue working with that member. Please forward this document by mail or fax to the office that serves your area:

Richmond: (804) 771-8313 (fax)

Northern Virginia: (703) 573-7098 (fax)

Hampton Roads: (757) 515-1678 (fax)

Roanoke: (540) 772-8870 (fax)

Danville: (434) 872-0980 (fax)

Norton: (276) 678-4829 (fax)

September 29, 2010

The Honorable Jim Webb  
United States Senator  
7309 Arlington Boulevard  
Suite 316  
Falls Church, VA 22042

Dear Senator Webb:

My name is *exempt b*, I am a constituent who lives at *exempt b*. I am a proud Democrat who supports you and the job you are doing as a Senator and by serving our country in the military. I have worked for the Environmental Protection Agency for the last five years. I am a Vietnam Era veteran who served in the U.S. Navy.

I am seeking assistance from you and your staff, Sarah Brown, regarding a particularly difficult situation I am experiencing at my job with the Environmental Protection Agency (EPA).

**PRIMARY PROBLEM:** I have been unable to obtain a copy of an investigation report and to be debriefed in reference to the formal Violence in the Workplace Complaint I filed on April 15, 2010. I have been informed by the Office of Human Resource (OHR), Labor and Employee Relations Office (LER), and the Office of the Inspector General (OIG), that I have no right to receive the investigation report. My Union-APGE 3331 has made attempts to obtain the investigation report on behalf to no avail.

**RESOLUTION:** I would like a copy of the final investigation report and to be debriefing on the findings of final investigation report.

**BACKGROUND INFORMATION:** I made my initial Violence in the Workplace Complaint to the National Chair for the Prevention of Violence in the Workplace *exempt b*. I was told by *exempt b* that she is a fairly new program and that there was not an official policy in place. I went thru a panel interview for almost 2 hours with the National Chair for PVW, a representative from Security and a representative for LER. Witnesses and other employees in my work space were interviewed. I was told by *exempt b* that she had written the report with signed witness statements to be "blessed" by OIG and then LER.

**ISSUES:** I contacted my union, AFGE 3331, and was told the Prevention of Violence in the Workplace was not a new program. My union representative questioned *exempt b* as to why the union was not informed nor invited to the panel interview she scheduled. My union representative pointed out that management was represented by the Labor and Employee Relations Officer but that I was not given the opportunity to be represented by my union. When I was not debriefed nor given a copy of the final report my union representative and the President of AFGE Union 3331 questioned *exempt b* on why I was not debrief nor given a copy of the final report.

My union representative quoted procedures regarding my rights from both version of the Prevention of Violence in the workplace in the Workplace Plan on the RPA Intranet The instructions in plan stating that "the injured party and others who were at incident were to be debriefed at the end of the investigation." And that "managers/supervisors should take seriously any complaints of a hostile environment made by an employee." The most recent Prevention of Violence in the Workplace Plan had a Draft Watermark. They also quoted from the OPM's Policy to all government agencies regarding Prevention of Violence in the Workplace.

After this conversation curiously the older version of the Prevention in the Workplace Plan was removed and a "File not Found" is the message one gets when they try to open the older version.

The OHR, LER and OIG cannot understand and why I would like a copy of the report and be debriefed, since I was physically moved from the office where the violent incident and hostile environment occurred. My complaint has been resolved in their eyes but not mine. (FYI: The physical move occurred not because of any actions that *exempt b*, the National Coordinator of the Prevention of Violence in the Workplace but only when the AFGE Union's Chief Steward and President accompanied me at meeting with Deputy Director of my Line Office and an Labor Relations Representative and demanded that I be moved or sent home on paid Administrative Leave.) EPA's lack of prompt action appears to protect and side with management versus protecting me as a victim. In my opinion the violence that occurred may possibly have been prevented if management took prompt action on the weekly complaints from me starting at the beginning of January 2010. I told management my physical and mental health was severely compromised and by their lack of protecting me as the victim. I have taken more than 200 hours of leave without pay and use up all my Annual Leave and Sick Leave in conjunction with the hostile work environment I was experiencing and reporting.

Thank you in advance for your time and efforts on my behalf of resolving my issue. If you need further information, I can be reached at work ( *exempt b* )

Sincerely

*exempt b*  
*exempt b*

AL-10-WI-6394



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV - 2 2010

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

The Honorable Jim Webb  
United States Senator  
7309 Arlington Boulevard  
Suite 316  
Falls Church, VA 22042

Dear Senator Webb:

Thank you for your letter dated September 30, 2010, in which you requested a review of a personnel-related matter concerning your constituent *Exempt*. In response, I would like to share with you the status of this matter.

In April 2010, an incident involving *Exempt* and a co-worker was reported to the Office of Administration and Resources Management. Per our investigative process, the incident was researched and a report was then provided to the appropriate management officials in July. *Exempt* was notified when the report was issued and I understand that she has been in communication with EPA's Coordinator for Preventing Violence in the Workplace Program. Any disciplinary action taken in response to the reported incident is privileged information and not appropriate for release to *Exempt*. Although *Exempt* did ask for EPA union intervention on her behalf, the union representative has been notified by EPA's Labor and Employee Relations staff that the report is an internal management document not subject to automatic disclosure. The Agency had a strong interest in protecting the privacy of witnesses as well as the management deliberative information contained within the report. I hope this information helps to address any concerns your constituent may have at this time.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig E. Hooks".

Craig E. Hooks  
Assistant Administrator

10-001-3141

# United States Senate

WASHINGTON, DC 20510

July 29, 2010

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

With the recent publication of the Environmental Protection Agency's (EPA) proposal for regulating coal combustion residues (CCRs), we write to express our concerns about the serious economic and environmental consequences resulting from the regulation of CCRs as a special listed waste under subtitle C of the Resource Conservation and Recovery Act (RCRA).

Despite decades of work by the EPA confirming that the regulation of CCRs under RCRA's subtitle C hazardous waste program is not warranted, the proposed subtitle C option would reverse these prior conclusions and regulate CCRs under RCRA's hazardous waste controls, placing unworkable facility and operational requirements on our state utilities. Indeed, the subtitle C option would regulate CCRs more stringently than any *other* hazardous waste by applying the hazardous waste rules to certain inactive and previously closed CCR units. EPA has never before interpreted RCRA in this manner in its 30 years of administering the federal hazardous waste rules. The subtitle C approach simply is not supportable given its myriad adverse consequences and the availability of an alternative, less burdensome regulatory option under RCRA's non-hazardous waste rules that, by EPA's own admission, will provide an equal degree of protection to public health and the environment.

Moreover, we are concerned that the subtitle C option will result in the loss of important high-paying jobs in the CCR beneficial reuse and related "green" jobs markets, at a time when unemployment is high and the pace of economic recovery is uncertain. Federal policies should encourage greater recycling of CCRs by facilities that use coal. Despite assurances by the Administration that regulation of CCRs under subtitle C would have no negative impact on the beneficial reuse market, the mere discussion of regulating CCRs under RCRA's hazardous waste program has already produced a downturn in the market for these materials. We believe that those who argue that beneficial use of CCRs will increase under the subtitle C option do not appreciate the realities of the potential legal liabilities under today's tort system. The reality is that the market place is already reacting negatively to these concerns, and we are losing important green jobs, along with the greenhouse gas emission reduction benefits that flow from the use of CCRs in numerous products, particularly in transportation infrastructure projects.

We are also deeply concerned that the subtitle C approach will, in one fell swoop, increase by approximately *50-fold* the volume of hazardous waste disposed of annually in land disposal units (from the current volume of two million tons per year to over 100 million tons of CCRs disposed of annually). This will create an immediate and critical shortfall in hazardous waste disposal capacity, adversely impacting the pace of cleanups under Superfund and other ongoing federal

The Honorable Lisa P. Jackson  
July 29, 2010  
Page 2

and state remedial and Brownfield programs. In fact, state environmental protection agencies from around the Nation have repeatedly cautioned EPA that the subtitle C approach for CCRs will overwhelm existing hazardous waste disposal capacity and further strain already stretched budgets and staff resources. It makes no sense to impose these adverse consequences on the existing hazardous waste program and state resources for a material that EPA has repeatedly found does not warrant regulation under RCRA subtitle C.

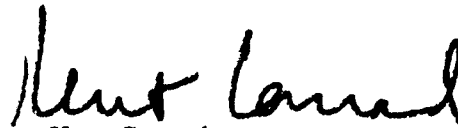
Given the ash spill disaster at the Tennessee Valley Authority's Kingston facility in 2008, we understand the EPA raising concerns about the handling and storage of CCRs. All operators should take appropriate precautions and those who fail to do so should be held accountable. However, in light of the nearly unanimous opposition from the states and the opposition and concern expressed by other federal agencies that participated in the interagency review process of the CCR proposal, we urge EPA not to pursue the subtitle C option. Instead, there is little question that EPA can develop a federal program for CCR disposal practices under RCRA's subtitle D non-hazardous waste program that ensures protection of human health and the environment without the attendant adverse consequences of the Subtitle C option on jobs, CCR beneficial uses and state budgets and resources. Again, we strongly recommend the EPA pursue a subtitle D approach for CCRs.

Thank you for your consideration of this important matter. We look forward to your response and working with you to address this issue in a manner that is both environmentally and economically sound.

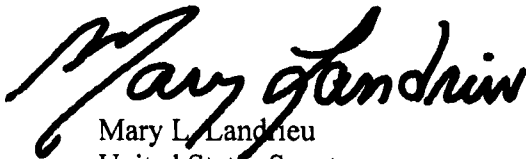
Sincerely,



Sam Brownback  
United States Senate



Kent Conrad  
United States Senate



Mary L. Landrieu  
United States Senate



Johnny Isakson  
United States Senate



Christopher S. Bond  
United States Senate



Pat Roberts  
United States Senate



David Vitter  
United States Senate



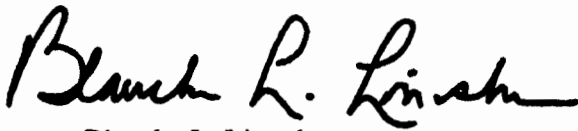
Thad Cochran  
United States Senate



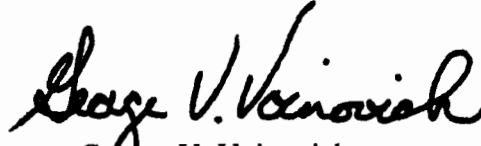
Michael B. Enzi  
United States Senate



Lisa Murkowski  
United States Senate



Blanche L. Lincoln  
United States Senate



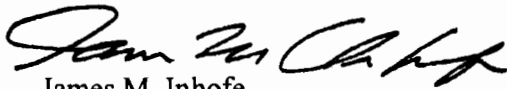
George V. Voinovich  
United States Senate



Byron L. Dorgan  
United States Senate



Ben Nelson  
United States Senate



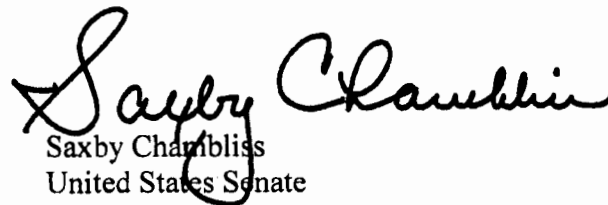
James M. Inhofe  
United States Senate



Jim Bunning  
United States Senate



John Barrasso  
United States Senate



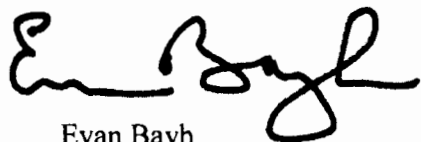
Saxby Chambliss  
United States Senate



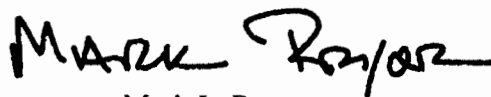
Jeff Sessions  
United States Senate



Lamar Alexander  
United States Senate



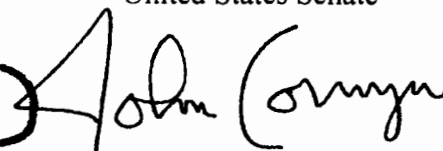
Evan Bayh  
United States Senate



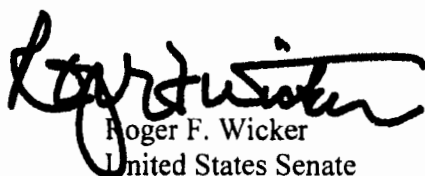
Mark L. Pryor  
United States Senate



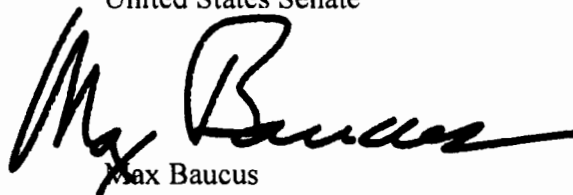
Claire McCaskill  
United States Senate



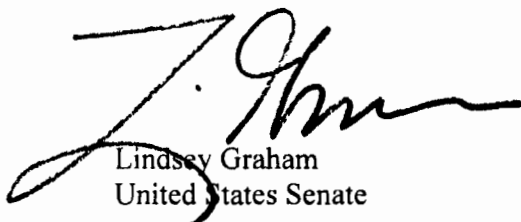
John Cornyn  
United States Senate



Roger F. Wicker  
United States Senate



Max Baucus  
United States Senate



Lindsey Graham  
United States Senate



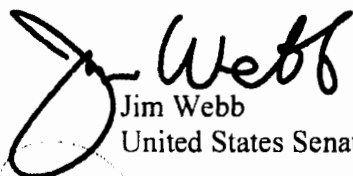
Mark R. Warner  
United States Senate



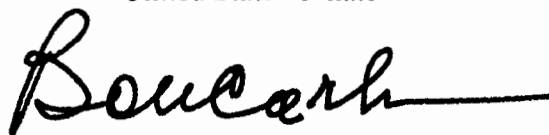
Herb Kohl  
United States Senate



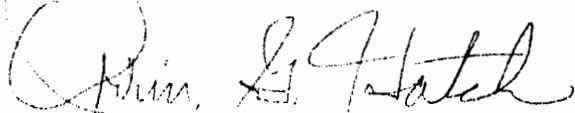
Richard Burr  
United States Senate



Jim Webb  
United States Senate



Bob Corker  
United States Senate



Orrin G. Hatch  
United States Senate



Mike Johanns  
United States Senate



The Honorable Lisa P. Jackson  
July 29, 2010  
Page 5

A handwritten signature in black ink, appearing to read "Robert F. Bennett". The signature is fluid and cursive, with a large initial "R" and "B".

Robert F. Bennett  
United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP - 2 2010

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

The Honorable Jim Webb  
United States Senate  
Washington, D.C. 20510

Dear Senator Webb:

Thank you for your letter of July 29, 2010 to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, expressing your interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. I appreciate your interest in these important issues.

In the proposed rule, EPA seeks public comment on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, EPA has identified concerns with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The Agency is soliciting comment and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus  
Assistant Administrator

07-007-0846

**Congress of the United States**  
**Washington, DC 20515**

June 20, 2007

The Honorable Stephen L. Johnson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., MC1104A  
Washington, D.C. 20460-0001

Dear Administrator Johnson:

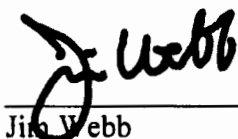
It is our understanding that, in 2005, the Environmental Protection Agency (EPA), along with the Virginia Department of Environmental Quality (DEQ), advised the Hampton Roads Sanitation District (HRSD) and twelve localities located within the HRSD service area of their need to address sanitary sewer overflows. HRSD and the twelve localities were given until September 2007 to finalize a regional consent order to address the problem.

Since 2005, the Hampton Roads Sanitation District and the twelve localities, in conjunction with DEQ, have been involved in a joint initiative to mitigate sanitary sewer overflows in the region. It is noteworthy that Virginia and the Hampton Roads region have worked with extraordinary coordination, setting aside a variety of specific local concerns to achieve a broad and comprehensive approach in resolving sewer overflow challenges. It is our understanding that this work has been done with EPA officials apprised and participating in the work to develop the plan that your Agency now has - some four months ahead of schedule.

We recently have been informed by HRSD and some of the localities involved that the EPA has recommended that HRSD should be excluded from the State's regional initiative. However, it is the State's and Region's view that, because the wastewater system in Hampton Roads is a complex, interconnected system involving all the individual localities and HRSD, enhancement of the system requires an integrated solution involving the localities and HRSD.

In accordance with all federal laws, rules, and regulations, we respectfully request a response explaining the EPA's decision to recommend the removal of HRSD from the state initiative. We appreciate your consideration, and look forward to hearing from you soon.

Sincerely,



Jim Webb  
U.S. Senator



John Warner  
U.S. Senator

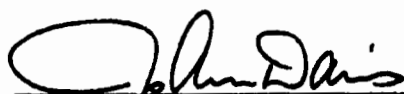
The Honorable Stephen L. Johnson  
June 20, 2007  
Page 2

A handwritten signature in black ink that reads "J. Randy Forbes". The signature is written in a cursive style with a large, stylized "J" and "F".

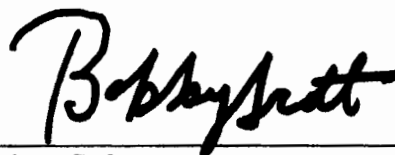
J. Randy Forbes  
Member of Congress

A handwritten signature in black ink that reads "Thelma D. Drake". The signature is written in a cursive style with a large, stylized "T" and "D".

Thelma D. Drake  
Member of Congress

A handwritten signature in black ink that reads "Jo Ann Davis". The signature is written in a cursive style with a large, stylized "J" and "D".

Jo Ann Davis  
Member of Congress

A handwritten signature in black ink that reads "Robert C. Scott". The signature is written in a cursive style with a large, stylized "R" and "S".

Robert C. Scott  
Member of Congress

AL-07-001-0846

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JUL 20 2007

The Honorable Jim Webb  
United States Senate  
Washington, D.C. 20510

Dear Senator Webb:

Thank you for your letter dated June 20, 2007 to the U.S. Environmental Protection Agency (EPA) regarding discussions between EPA, the Virginia Department of Environmental Quality, the Hampton Roads Sanitation District (HRSD) and the localities that are within the HRSD service area about the need to address sanitary sewer overflows.

Enclosed is a letter from the Deputy Attorney General Jamie S. Gorelick to The Honorable Orrin G. Hatch outlining the Department of Justice Policy concerning Congressional-Departmental contacts regarding matters in litigation. As the letter states, contacts concerning pending civil cases are discouraged, however, where members of Congress or their staff deems it essential, inquiries should be directed to the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Legislative Affairs.

While a complaint against HRSD has not been filed to date, the Department of Justice is and has been representing EPA in pre-filing negotiations in this matter. Since EPA is represented by the Department of Justice in this case, it would be inappropriate for EPA to discuss our position regarding enforcement against HRSD.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. LaRonda Koffi, EPA's Virginia Liaison, at 215-814-5374.

Sincerely,

*for* *W. S. Welsh*  
Donald S. Welsh  
Regional Administrator

Enclosure

Cc: Senator John Warner  
Representative Jo Ann Davis  
Representative Thelma D. Drake  
Representative Robert C. Scott  
Representative J. Randy Forbes

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.  
Customer Service Hotline: 1-800-438-2474



AL-07-001-0846

08-600-3429



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 18 2008

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Honorable James Webb  
United States Senate  
Washington, D.C. 20510

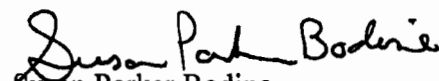
Dear Senator Webb:

The Environmental Protection Agency's (EPA) Superfund program will be finalizing the Hidden Lane Landfill site, located in Sterling, Virginia, to the National Priorities List (NPL) by rulemaking. EPA has received a governor/state concurrence letter supporting the listing of the site on the NPL. Listing on the NPL provides access to federal cleanup funding for the nation's highest priority contaminated sites.

Because the site is located within your State, I am providing information to help in answering questions you may receive from your constituency. The information includes a brief description of the site, and a general description of the NPL listing process.

If you have any questions, please contact me at (202) 566-0200 or your staff may contact Carolyn Levine, Office of Congressional and Intergovernmental Relations, at (202) 564-1859. We expect the rule to be published in the Federal Register in the next several days.

Sincerely,

  
Susan Parker Bodine  
Assistant Administrator

Enclosures

## NATIONAL PRIORITIES LIST (NPL)

### WHAT IS THE NPL?

---

The National Priorities List (NPL) is a list of national priorities among the known or threatened releases of hazardous substances throughout the United States. The list serves as an information and management tool for the Superfund cleanup process as required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances.

There are three ways a site is eligible for the NPL:

**1. Scores at least 28.50:**

A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS), which EPA published as Appendix A of the National Contingency Plan. The HRS is a mathematical formula that serves as a screening device to evaluate a site's relative threat to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for inclusion on the NPL. This is the most common way a site becomes eligible for the NPL.

**2. State Pick:**

Each state and territory may designate one top-priority site regardless of score.

**3. ATSDR Health Advisory:**

Certain other sites may be listed regardless of their HRS score, if all of the following conditions are met:

- a. The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends removing people from the site;
- b. EPA determines that the release poses a significant threat to public health; and
- c. EPA anticipates it will be more cost-effective to use its remedial authority than to use its emergency removal authority to respond to the site.

Sites are first proposed to the NPL in the *Federal Register*. EPA then accepts public comments for 60 days about listing the sites, responds to the comments, and places those sites on the NPL that continue to meet the requirements for listing. To submit comments, visit [www.regulations.gov](http://www.regulations.gov).

Placing a site on the NPL does not assign liability to any party or to the owner of any specific property; nor does it mean that any remedial or removal action will necessarily be taken.

For more information, please visit [www.epa.gov/superfund/sites/npl/](http://www.epa.gov/superfund/sites/npl/).

## NATIONAL PRIORITIES LIST (NPL)

\*\*\*Final Site\*\*\*

March 2008

### HIDDEN LANE LANDFILL | Sterling, Virginia Loudoun County

#### **Site Location:**

The Hidden Lane Landfill is located in a mixed residential and commercial area of Sterling, Loudoun County, Virginia, approximately ¾ mile north of Route 7.

#### **Site History:**

From 1971 through 1984, a landfill was operated at this location. The landfill accepted solid municipal waste and construction debris. The 25 acre landfill was covered with a clay cap and is currently vacant land.

#### **Site Contamination/Contaminants:**

The contaminants are volatile organic compounds, including trichloroethene (TCE), 1,1,1-trichloroethane and 1,2-dichloroethene. Concentrations of TCE detected in nine drinking water wells located near the landfill were above EPA's Safe Drinking Water Act maximum contaminant level for TCE in drinking water.

#### **Potential Impacts on Surrounding Community/Environment:**

Ground water underlying the Hidden Lane Landfill and adjacent properties is contaminated with TCE. TCE migrated from the landfill to residential wells located within 1 mile of the landfill. There is the potential for TCE to vaporize and enter homes located within the area of the TCE-contaminated ground water.

#### **Response Activities (to date):**

The Virginia Department of Environmental Quality has installed treatment systems on 22 residential wells, currently known to be contaminated with TCE. The Loudoun County Department of Health is strongly advising other residents located in the vicinity to install whole-house water treatment systems.

#### **Need for NPL Listing:**

The State of Virginia referred the site to EPA, because the state could no longer maintain or provide additional whole-house treatment systems to area residents. Other federal and state cleanup programs were evaluated, but are not viable at this time, because they could not address the residential drinking water wells contaminated by TCE and the TCE contaminated ground water plume. EPA received letters of support for placing this site on the NPL from the state, Broad Run Farms Civic Association, and citizens of Sterling, Virginia.

*[The description of the site (release) is based on information available at the time the site was evaluated with the HRS. The description may change as additional information is gathered on the sources and extent of contamination.]*

For more information about the hazardous substances identified in this narrative summary, including general information regarding the effects of exposure to these substances on human health, please see the Agency for Toxic Substances and Disease Registry (ATSDR) ToxFAQs. ATSDR ToxFAQs can be found on the Internet at <http://www.atsdr.cdc.gov/toxfaq.html> or by telephone at 1-888-42-ATSDR or 1-888-422-8737.





08-000-4680

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR - 7 2008

The Honorable James Webb, Jr.  
United States Senate  
Washington, D.C. 20510

THE ADMINISTRATOR

Dear Senator Webb:

On behalf of the United States Environmental Protection Agency (EPA), I am pleased to invite you to attend a luncheon in honor of the 2007 President's Environmental Youth Awards (PEYA) winners from your EPA region. The luncheon will be held on Friday, April 18, 2008, at noon in the Rotunda at the Ronald Reagan Building and International Trade Center located at 1300 Pennsylvania Avenue, NW, Washington, DC (invitation enclosed).

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. Since 1971, the President of the United States has joined with EPA to recognize young Americans for protecting our nation's air, water, land, and ecology. The PEYA program honors a wide variety of environmental projects developed by young individuals, school classes, summer camps, public interest groups, and youth organizations to promote environmental awareness. Young people in all 50 states and the U.S. territories are invited to participate in the program, and one project from each of EPA's 10 regions is selected each year.

*exempt* *exempt*  
of the H.B. Woodlawn Secondary  
Program in Arlington, Virginia are being honored as the Region 3 winner. A brief description of the project, "We'll Bring It to You" Curbside Electronics Recycling, is enclosed. Starting at 11:00 a.m. you will have the opportunity to meet informally with all the winners and view their project exhibits. The luncheon will follow at noon, and the winners will make short presentations about their projects at that time.

I hope you'll be able to join your colleagues and me in honoring these outstanding award recipients. If you have any questions, please contact Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701; and, R.S.V.P. by April 11, 2008.

Sincerely,

Stephen L. Johnson

Enclosures



## **The President's Environmental Youth Awards**

**The U.S. Environmental Protection Agency  
invites you to a special luncheon  
honoring the recipients of the  
2007 President's Environmental Youth Awards**

*Friday, April 18, 2008*

*12:00 noon*

*The Rotunda*

*Ronald Reagan Building and International Trade Center*

*1300 Pennsylvania Avenue, NW*

*Washington, DC 20004*

*RSVP by Friday, April 11, 2008*

*to Clara Jones at (202) 564-3701*

## Region 3

### "We'll Bring It to You" Curbside Electronics

#### Recycling

HB Woodlawn 6th Grade Science Class Group

*Arlington, Virginia*

The inspiration for the "We'll Bring It to You" Curbside Electronics Recycling project came after the HB Woodlawn 6th grade science class participated in a watershed inventory of a local stream. The students found discarded electronic equipment such as hard drives and cell phones in the stream. They started researching local recycling programs, and learned that Arlington County, Virginia, provided drop-off sites for recycling of electronics, but did not offer curbside recycling for these items. They suspected that few residents knew how to recycle these items. As a result, the students were compelled to create a civic action project to address this need.

On March 24, 2007, the 10 students collected more than 450 pieces of "e-waste" (used electronic equipment such as computer and stereo equipment) from Arlington County homes through an electronics recycling event. With the help of their parents, school faculty, and high school students, the students properly disposed of the items at Arlington County drop-off sites. But their work did not stop there. By engaging community leaders and citizens at every stage, the students sought permanent improvement in the existing Arlington County electronics recycling program.

The goals of the project were to: (1) assess the effectiveness of current electronics recycling programs through a survey of residents; (2) raise awareness of the need to properly dispose of or recycle electronic items; (3) provide curbside pickup of electronic items for recycling in a 1-day recycling event; and (4) provide recommendations to the Arlington County Board to improve the recycling program. The students involved the school government, local residents, and community groups such as Earth Force and the local chapter of the Sierra Club in their effort. They also made two presentations (one during the project and one at the conclusion) to the Arlington County Board.

The students are pleased and proud to see that their project will have an impact beyond the 1-day recycling event. As a direct result of the project, the Arlington County Board approved a resolution to consider the feasibility of curbside recycling for electronics.

08-001-1931

# United States Senate

WASHINGTON, DC 20510

July 18, 2008

The Honorable Stephen L. Johnson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001

Dear Administrator Johnson:

We write in support of efforts to waive portions of the Renewable Fuel Standard (RFS) consistent with the Federal Clean Air Act and the Energy Independence and Security Act of 2007. While the rising costs of food and commodity prices are the result of many factors, it is clear that the RFS has played a role in the dramatic increase in commodity prices. We defer to EPA to determine the most suitable level of reduction in the RFS mandate.

The goals of the RFS are meritorious and we believe in the need for greater energy independence. However, it appears that the RFS policy is having unintended consequences, which requires renewed emphasis on the need to diversify ethanol feedstocks that do not compete with global food supplies.


We have heard from Virginia local communities and producers who are extremely concerned about the effect the federal RFS is having on their respective economies and businesses. In Virginia, agriculture is our largest and oldest economic sector. Some of the largest contributors to Virginia's agriculture economy come from poultry and livestock producers, which have been hit especially hard by rising feed prices. In a recent study conducted by agricultural economist Dr. Thomas Elam, the increased cost of feed attributable to the federal RFS for the Virginia poultry sector is estimated at \$270 million. When adding in the livestock sector, the total additional cost attributable to the RFS to Virginia animal agriculture raised for food is estimated at \$412 million.

As farmers shift into higher levels of corn production to meet the RFS mandate, additional pressures have been brought to bear on the prices of wheat, soybeans, rice and other food commodities. These market shifts coupled with rising energy prices and poor weather conditions have had a ripple effect on global food prices that is being felt by all. However, the rising costs of food have been felt especially by low-income individuals and persons living on fixed incomes.

These costs are substantial. In light of these costs and the potential to do even greater harm to our economy, both nationally and in Virginia, it is our strong belief that a temporary waiver to the RFS is both needed and appropriate.

We encourage the EPA to give all favorable consideration to proposals that would provide temporary relief to the RFS and allow time for commodity prices to stabilize.

Sincerely,



John Warner  
United States Senate



Jim Webb  
United States Senate